

N.S. Tuyakbayeva* , **A.K. Berdibaeva** , **M.K. Nakisheva** 

Al-Farabi Kazakh National University, Kazakhstan, Almaty

*e-mail: Tuyakbayeva.nazgul@kaznu.kz

ON THE NEED FOR CHANGES IN APPROACHING CHILDREN'S RIGHTS

According to the norms of family law, parents and persons replacing them acting as advocates of the interests of children, know better what is in the interests of the child and have practically unlimited powers in representing interests of the child.

Various studies on the concept "interests of the child" have shown that the legal essence and content of it need to be described yet. Many scientists and practitioners emphasize on a one sided approach made toward the concept. And it is understandable since in all cases, with no exception, the interests of the child are considered from the point of social security, material protection, and enabling conditions for a decent life. The interests of the child: "this is a subjectively driven need of a child in favorable conditions of existence, which finds an objective expression in the realization by the parents of their rights and obligations provided for by family legislation".

The child is a separate person with own feelings and preferences. Interest is translated as "to have meaning" and despite the huge number of versatile approaches to this concept, in our context, interest should be understood as the real reason for the activity of social subjects, aimed at satisfying certain needs, underlying immediate motives, motives, ideas, etc., determined by the position and role of these subjects in the system of social relations.

At the same time, the needs of modern children go beyond material world. Modern children, as noted above, consider their interests much more broadly and want to participate in solving problems that directly or indirectly affect their present or future life, which, in our opinion, significantly expands the content of the concept of «interests of the child.»

Regarding Kazakhstan, it should be noted that the current legislation of the Republic of Kazakhstan enshrines the child's right to freedom of speech and conscience, the right to information and participation in public life (Article 11 of the Law of the Republic of Kazakhstan «On the Rights of the Child»), which determines the republic's desire to comply with the principles and provisions of the Convention, which was ratified in 1996 by Kazakhstan.

The article is devoted to the issue of the need to revise approaches to the complexity of child rights by expanding the range of personal and political rights.

Key words: child, right, obligation, children's rights, state, state body.

Н.С. Тұяқбаева*, А.К. Бердібаева, М.К. Накишева

Әл-Фараби атындағы Қазақ ұлттық университеті, Қазақстан, Алматы қ.

*e-mail: Tuyakbayeva.nazgul@kaznu.kz

Балалар құқығына деген көзқарасты өзгерту қажеттілігі туралы

Отбасылық құқық нормаларына сәйкес, ата-аналар мен оларды алмастыратын, балалардың мүдделерін қорғаушы ретінде әрекет ететін адамдар баланың қалауы не екенін жақсы біледі және баланың мүдделерін білдіру үшін іс жүзінде шектеусіз өкілеттіктерге ие.

«Баланың мүдделері» ұғымының әртүрлі зерттеулері оның құқықтық мәні мен мазмұнын әлі де сипаттау қажет екенін көрсетті. Көптеген ғалымдар мен тәжірибешілер бұл тұжырымдамаға біржақты көзқарасты баса айтады. Бұл түсінікті, өйткені барлық жағдайларда баланың мүдделері әлеуметтік қамсыздандыру, материалдық қорғау және лайықты өмір сүру үшін қолайлы жағдайлар жасау тұрғысынан қарастырылады. Баланың мүдделері: "бұл баланың қолайлы өмір сүру жағдайларына субъективті түрде негізделген қажеттілігі, ол ата-аналардың отбасылық заңдарда көзделген құқықтары мен міндеттерін жүзеге асыруда объективті көрініс табады».

Бала – бұл өз сезімдері мен қалауы бар жеке адам. Қызығушылық «мағынасы бар» деп аударылады және осы тұжырымдамаға көптеген жан-жақты көзқарастарға қарамастан, біздің контекстімізде қызығушылық белгілі бір қажеттіліктерді қанағаттандыруға бағытталған, тікелей мотивтердің, мотивтердің, идеялардың және т.б. осы субъектілердің әлеуметтік қатынастар жүйесіндегі орны мен рөлімен анықталған әлеуметтік субъектілердің іс-әрекетінің нақты себебі ретінде түсінілуі керек.

Сонымен қатар, қазіргі балалардың қажеттіліктері материалдық әлемнен асып түседі. Жоғарыда айтылғандай, қазіргі балалар өздерінің мүдделерін әлдеқайда кең қарастырады және олардың қазіргі немесе болашақ өміріне тікелей немесе жанама әсер ететін мәселелерді шешуге қатысқысы келеді, бұл біздің ойымызша «баланың мүдделері» ұғымының мазмұнын едәуір кеңейтеді.

Қазақстанға келетін болсақ, Қазақстан Республикасының қолданыстағы заңнамасы баланың сөз бен ар-ождан бостандығына құқығын, ақпаратқа құқығын және қоғамдық өмірге қатысу құқығын («Бала құқықтары туралы» Қазақстан Республикасы Заңының 11-бабы) бекітетінін, бұл республиканың 1996 жылы Қазақстан ратификациялаған Конвенцияның қағидаттары мен ережелерін сақтауға ұмтылысын айқындайтынын атап өткен жөн.

Мақала жеке және саяси құқықтар шеңберін кеңейту арқылы бала құқықтарының күрделілігіне көзқарастарды қайта қарау қажеттілігі туралы мәселеге арналған.

Түйін сөздер: бала, құқық, міндеттеме, бала құқығы, мемлекет, мемлекеттік орган.

Н.С. Туякбаева*, А.К. Бердибаева, М.К. Накишева

Казахский национальный университет им. аль-Фараби, Казахстан, г. Алматы

*e-mail: Tuyakbayeva.nazgul@kaznu.kz

О необходимости изменений в подходе к правам детей

Согласно нормам семейного права, родители и лица, их заменяющие, выступающие в качестве защитников интересов детей, лучше знают, что находится в интересах ребенка, и обладают практически неограниченными полномочиями по представлению интересов ребенка.

Различные исследования понятия «интересы ребенка» показали, что правовая сущность и содержание этого понятия еще нуждаются в описании. Многие ученые и практики подчеркивают односторонний подход к этой концепции. И это понятно, поскольку во всех без исключения случаях интересы ребенка рассматриваются с точки зрения социального обеспечения, материальной защиты, создания благоприятных условий для достойной жизни. Интересы ребенка – «это субъективно обусловленная потребность ребенка в благоприятных условиях существования, которая находит объективное выражение в реализации родителями своих прав и обязанностей, предусмотренных семейным законодательством».

Ребенок – это отдельный человек со своими чувствами и предпочтениями. Интерес переводится как «иметь смысл» и, несмотря на огромное количество разносторонних подходов к этому понятию, в нашем контексте интерес следует понимать как реальную причину деятельности социальных субъектов, направленную на удовлетворение определенных потребностей, лежащих в основе непосредственных мотивов, побуждений, идей и т. д., определяемых положением и ролью этих субъектов в системе общественных отношений.

В то же время потребности современных детей выходят за рамки материального мира. Современные дети, как отмечалось выше, рассматривают свои интересы гораздо шире и хотят участвовать в решении проблем, прямо или косвенно влияющих на их настоящую или будущую жизнь, что, на взгляд авторов, значительно расширяет содержание понятия «интересы ребенка».

Что касается Казахстана, то следует отметить, что действующее законодательство Республики Казахстан закрепляет право ребенка на свободу слова и совести, право на информацию и участие в общественной жизни (Статья 11 Закона Республики Казахстан «О правах ребенка»), что определяет стремление республики соблюдать принципы и положения конвенции, ратифицированной Казахстаном в 1996 году.

Статья посвящена вопросу о необходимости пересмотра подходов к комплексности прав ребенка путем расширения круга личных и политических прав.

Ключевые слова: ребенок, право, обязательство, права детей, государство, государственный орган.

Introduction

Nowadays ensuring and protecting the rights of the child is one of the most challenging problems in Kazakhstan.

The statistics of the Ministry of Internal Affairs on crimes against children indicate that from January to August 2020, 550 crimes against the sexual inviolability of minors were committed in Kazakh-

stan. Among it 250 are cases of absolute violence with the use of force, blackmail, threats, the use of a child's helplessness. More than half of these crimes are committed by people who are of inner circle of a child. The victim is usually no more than 14 years old (<https://polisia.kz/>). The number of murders (including intentional) of minors and children is growing, data on sexual and other slavery, cases of domestic violence, violations of labor laws, involve-

ment in destructive religious movements, the sale of newborns and other children, etc. is being revealed.

That is, the safety of children, their right to a dignified existence and development continue to be one of the painful topics for modern Kazakhstan. Headline-making examples of the last year allow us to say that, despite the huge range of legal, social and other measures, children remain a poorly protected category of citizens. Threats to life, physical integrity, and inadequacy of social protection continue to persist and, in some respects, are exacerbated despite ongoing efforts.

The Republic of Kazakhstan as an active participant of international relations, made commitments towards signing international treaties, the implementation of which is of important priority of the country's domestic and foreign policy. So, in 2019, Kazakhstan celebrated the 25th anniversary of the ratification of the Convention on the Rights of the Child dated November 20, 1989. Emphasizing on the changes in the Kazakhstani system for the protection of children's rights, UNICEF Representative in Kazakhstan Yuri Oksamitny said: "For 25 years, the CRC has been the basis for UNICEF cooperation with the government of the Republic of Kazakhstan. The CRC has become a working tool for building a child-friendly society. The practical implementation of the Convention has contributed to positive changes in life of several generations of Kazakhstani children" (<https://www.unicef.org/kazakhstan>).

Kazakhstan has really taken huge steps in this matter. Legislation that secure the range of basic social and civil rights of the child has been adopted, a system of social and legal protection of the child has been created, a modern juvenile justice is being formed, the Commissioner for Children's Rights is actively working, etc.

Indeed, the fundamental rights and freedoms of the child is enshrined in current legislation of the Republic of Kazakhstan on children's rights. So, the Law of the RK dated August 8, 2002 No. 345-II "On the Rights of the Child in the Republic of Kazakhstan" stipulates that it "regulates the relations arising in connection with the implementation of the fundamental rights and legitimate interests of the child, guaranteed by the Constitution of the Republic of Kazakhstan, ruled by the principles of the priority toward children upbringing for a full life in society, the development of socially significant and creative activity, fostering high moral qualities, patriotism and citizenship, the formation of national identity based on the universal values of world civilization" (https://online.zakon.kz/document/?doc_id). That is, the legislator fully understands and assumes the

obligation to consolidate in the current norms of law, provided with all the possibilities of the state, the rights and guarantees for raising children ready for a full life in society. However, this normative act, despite the fact that it tried to cover the main set of child rights, it cannot be called complete.

Main part

The 1989 Convention on the Rights of the Child is currently the last special act in this area. This document establishes a basic set of child rights, the implementation of which is ensured by 2 optional protocols of 2000. These documents should form the basis of the national legislation of the countries.

Analysis of the texts of these documents shows that the developers did not particularly focus their attention on theoretical issues. The child is viewed, on the one hand, as an independent individual who has a certain range of rights and freedoms, and on the other, as firmly connected with the family where a mother and a father is responsible actors. The content of the elements of the child's legal status is completely dependent on the age factor.

At the same time, today we can state a serious departure from early positions. New trend is that a child, in a number of countries, is no longer viewed as an extension of its parents, but as a citizen over whom a government has rights, including the right to remove a child from a family, in cases where, in the opinion the state itself, the conditions of detention do not meet the requirements established by the government. There is confrontation between the interests of children, parents and the state. A government raises itself to a rank even higher than the parent, capable of determining the fate of the child.

But on the other hand, highlighting the child as a separate category with a special legal status, a government is forced to expand the range of child's rights, which are automatically reflected in national legislation.

The legal status of a child is nothing more than a political and legal relationship between the child and the government, the child and society, the child with other people and family members as well. In theory, legislation and practice of application, the concept of the definition of "legal status of a child" has developed quite fully. In addition, this concept has grown into a separate institution of law, which incorporates various aspects of legal regulation and legal implementation, for example, constitutional, social, procedural, etc. The development of this institution is largely determined by international documents, which are reflected in the current consti-

tutional and other normative legal acts (Riekkinen 2016: 197).

The Convention on the Rights of the Child, having identified the latest trends in the protection of children's rights, has enshrined "the age of 18 as the most accepted norm for determining the moment from which the legal protection of a child ends". And this is what formed the basis for the definition of "child."

The Constitution of the Republic of Kazakhstan does not prescribe in detail the specifics of the legal status of a child, recognizing a child as a citizen of the Republic of Kazakhstan with the whole range of rights, freedoms and obligations. However, by Art. 27 of the Constitution of the Republic of Kazakhstan it is determined that marriage and family, motherhood, fatherhood and childhood are under the protection of the state, that predetermines the policy of the state in relation to the protection of the rights and freedoms of the child. At the same time, it should be noted that in this context, the child is still considered in a certain system, as an integral part of the institution of the family and not as a separate individual with a set of rights and freedoms.

Law of the Republic of Kazakhstan dated August 8, 2002 No. 345-II "On the Rights of the Child in the Republic of Kazakhstan" recognizes a child as a person under the age of eighteen (majority), which complies with ratified international acts, namely the main international documents in this area – the UN Convention on the Rights of the Child of November 20, 1989 and the Minimum Standard Rules of the United Nations Relating to the Administration of Juvenile Justice (Beijing Rules), adopted by General Assembly resolution 40/33 dated November 29, 1985. (<http://rmebrk.kz/journals/4685/81347.pdf>)

The last document should be specially noted, since in addition to introducing the term "minor" into the official legal field, it also operates with the definitions of emotional, spiritual and intellectual maturity, which, in our opinion, is already a progress for world community. Thus, the 1959 Declaration on the Rights of the Child directly indicated a child as physically and mentally immature, being a subject of a special protection and care, including adequate legal protection, before and after birth as well.

The comments on the Beijing requirements clearly state that "while using modern approach child's ability to endure the moral and psychological aspects associated with criminal responsibility shall be determined, that is, to determine possibility of holding a child responsible for clearly antisocial behavior taking into account individual characteristics

of perception and understanding". This commentary emphasizes such criteria of age specification as moral aspects, psychological aspects, perception and understanding of one's behavior, which in general can be understood as psychological and moral maturity of a person.

An analysis of modern approaches to the systematization of child rights shows a significant inconsistency of domestic legislation with modern world standards and trends.

Analysis of the legislation shows that the main emphasis in the policy on the interests of children is made on ensuring social aspects, while other rights of the child, namely the right to life, the right to physical integrity, the right to choose a religion, the right to spiritual and personal development, the right to express his opinion on issues relating to his rights and legitimate interests (in addition to the right to express his opinion, with which of the parents he remains after divorce) and many others, even though enshrined at the level of the Law on the Rights of the Child, do not have a direct mechanism implementation and, accordingly, the protection mechanism.

This is largely determined by the approach that lies at the heart of state policy. Domestic policy for the protection of the interests of children continues to be built according to the old system, which does not recognize the child as an independent subject of law, with age-appropriate special rights and freedoms.

This approach significantly limits the rights of the child, and also sharply narrows the possibilities of self-defense, right to appeal to state and law enforcement agencies, etc.

Lately the international community has been increasingly promoting the theory of the development of "children's political rights". We shall agree with the opinion of the Finnish scientist M.A. Riekkinen that "... neither in legal science nor in practice of a certain country there is no fundamental agreement on the issue of the existence of political rights for children. Taking into account the opinions of the authors who deny the possibility of giving the child political rights, along with the opinion of the supporters of the existence of the political rights of the child, the legitimacy of the existence of limited political rights of minors is upheld" (Riekkinen 2016: 39).

Entertaining the child's opinion in decision making related to the rights, freedoms and legitimate interests is actively implemented by the EU countries, the USA and many others, and that allows adjusting state policy to the interests of modern children, improving the upbringing and educational process, and

get children used to their own opinion and express it to protect their rights and interests.

A number of countries have taken the direction of involving the child in the process of making socially significant decisions. In most countries, this process begins at the age of 14, that is, the age when a child can officially be held accountable, and therefore has the opportunity to understand and be aware of his actions.

Domestic legislation (clause 1 of article 11 of the Law "On the Rights of the Child") enshrines the right to participate in public life (https://online.zakon.kz/document/?doc_id). However, the research carried out by our group shows the absence of a real mechanism for the implementation of this right, for example, there are more than 100 children's public organizations in Kazakhstan, and opinion accounting system in that organizations has not been implemented. The situation is even more critical with regard to children's rights to treatment. We do not have a culture of taking into account the opinions of children when solving certain problems, revealing their desires and needs. While the experience of Finland and Germany on youth influence is widely spread in the world. The experience of the EU and a number of other countries shows that the development of the civic position of young people through their involvement should be considered as the most important upbringing and educational state function.

So, according to A.A. Tasbulatova: "The experience of the EU countries and the Russian Federation is of serious interest, since it has been forming for a half of a century and continues to gain. This is due to modern trends in the awareness that young people are losing interest in political processes and fenced off from political participation, which will have a negative impact on the future of states. Involvement policy is the purposeful policy of governments to attract young people to participate in the life of society and the state. The goal is to develop an active civil position, raising the level of political literacy and recognize the need for participation in society due to personal motives as well" (Tasbulatova 2019: 83).

Official statistics show an increase in the number of children and youth in Kazakhstan, that fact cannot be ignored; and in practice, they make up more than 30% of the population of Kazakhstan and numbers are growing. This dictates the need to develop a real mechanism for protecting the rights of the child, the weakness and inefficiency of which has been clearly revealed by the events of the last two or three years. This was especially evident during the quarantine period.

Our children are not involved in decision making. This is evidenced by the current situation.

The main tasks for the comprehensive support and protection of children and youth are assigned to local authorities, which are called upon to implement the territorial youth policy. So according to the researchers "The implementation of youth policy should be oriented mainly at the regional and local levels, since the situation of young people varies significantly in different regions in different ways. Without a well-thought-out regional and local youth policy, it is impossible to effectively solve the problems of Kazakhstani youth" (Mekebaeva 2016).

It is under local executive authorities that Public councils, which are designed to ensure the coordination of government efforts and initiatives of the country's civil society in the name of development. In this regard, the Law of the Republic of Kazakhstan dated November 2, 2015 No. 383-V ЗРК «On Public Councils» was adopted.

The tasks of public councils in accordance with the Law are:

"1) representation of the interests of civil society and taking into account the opinion of the public when discussing and making decisions at the republican and local levels;

2) development of interaction between central and local executive bodies, and local self-government bodies with civil society;

3) the organization of public control and transparency of the activities of central and local executive bodies, and local government bodies" (<https://articlekz.com/article/18527>).

Youth resource centers are also being created under the akimats (regional, city and district youth resource centers), which are the legal entities providing information and methodological, consulting support and support for youth initiatives, monitoring and analyzing of the situation in the youth environment. Resource youth centers (MRC) provide information and methodological, consulting support and support for youth initiatives. In the centers, young people can get comprehensive information about all state, social programs for youth, psychological support. Here, young people are trained in vital skills necessary for personal, social growth and development of labor potential (<https://online.zakon.kz/01/18/2020>).

At the same time, in the Report "Youth of Kazakhstan – 2019", despite the wide network of the MRC, "among young people, the level of awareness of the work of the centers is characterized as below average. So, a little more than half (57.1%) of the surveyed young people know absolutely nothing

about the MRC. To one degree or another, 39.5% of it know about its work, and only 4.7% of them applied to these centers. A low level of awareness is noted in Kostanay (92.3%), Turkestan (90%) regions and Nur-Sultan (80.3%). More often among young people with primary (92%) and incomplete secondary (76.7%) education, representatives of NEET (71.7%) and those who do not study or work (70.8%), aged 14 up to 18 years old (68.5%). Against the background of poor awareness, Youth Resource Centers show their relative effectiveness as platforms for providing targeted assistance to young people.

Public organizations and political parties should play an important role in activating youth initiatives and realizing by adolescents their interests, including political ones. At the same time, the above analysis showed that they do not adequately cope with the hopes for the active involvement of the younger generation in public life, as evidenced by the low level of membership in them. Thus, the Report noted that “in 2018, for various reasons, 74.1% of respondents did not participate in the activities of associations; in 2019 this figure reached 86.7%. It should be noted that according to the results of a sociological survey in 2019, almost every fifth noted their desire to join youth organizations, and every tenth is a passive participant in thematic events, while 2.9% are active members of youth organizations. This trend indicates the presence of opportunities to increase the level of youth involvement in the activities of public associations” (<https://online.zakon.kz> 01/18/2020). The data testifies to the weak elaboration of the work of NGOs with youth, the absence of a mechanism for real involvement and political socialization of the younger generation.

Another important link in the system of state and public institutions that provides for the mechanism of ensuring and protecting the political rights of the child in the Republic of Kazakhstan should be educational institutions that are in direct contact with children for a long period of time and it is them who are entrusted with the functions of education and upbringing, including political culture.

Despite the range of measures taken, the development of various versions of draft concepts for the protection of the rights of the child by various public organizations, the strengthening of the work of law enforcement and human rights bodies the situation remains critical.

Critical analysis of the Concept and the Law of the Republic of Kazakhstan «On State Youth Policy» showed significant lag behind global trends and inconsistency with the stated goals, namely the

creation of conditions for involving young people in the socio-economic and socio-political life of the country. At the same time, the current condition of Kazakhstan’s domestic policy requires the active involvement of youth initiatives, the all-round involvement of young people in solving local and state-level problems, the formation of a serious system of teaching political literacy and culture, and counteraction to destabilizing factors.

Despite the large amount of scientific research in the field of children’s rights, the problem continues to worsen. We believe that an integrated approach is needed. We consider it necessary to develop a draft Concept of the personal and political rights of the child and to submit a package of specific proposals to the legislative acts of the Republic of Kazakhstan concerning the legal status of the child with its submission to the authorized bodies. Such a separation of this block of rights from the entire scope of child rights is justified by its greatest relevance, vulnerability and weak study from scientific and practical points of view.

We believe that the main task of the developers of the conceptual approach to protecting the rights of the child is to protect the interests of the child, its inextricable link with the family, the desire to protect the family.

It is necessary to monitor the current legislation of the Republic of Kazakhstan on the issue of fulfilling international obligations to consolidate the personal and political rights of the child, as well as modeling the scenario of the legal consolidation of the list of personal and political rights of the child with current legislation of Kazakhstan, introducing draft regulations to consolidate them, enforce, protect and guarantee, substantiation of the need for wider involvement of children (under the age of 18) in solving issues directly related to their rights and legitimate interests.

Representatives of the scientific environment need to substantiate a more detailed consolidation of the entire (full) complex of personal and political rights of the child in the current legislation of the Republic of Kazakhstan to ensure protection, prepare a ready-made draft of the general Concept of personal and political rights of the child and submit a package of specific proposals to the legislative acts of the Republic of Kazakhstan concerning the legal status of the child.

The main tasks of monitoring in accordance with the set goal should be highlighted:

1) Monitoring the legislation of the Republic of Kazakhstan on human rights and the rights of the child, analysis of the existing mechanism for ensur-

ing and protecting the rights of the child in Kazakhstan. Analysis of their compliance with international obligations undertaken by the Republic of Kazakhstan, identification of the causes and consequences of failure.

Monitoring the existing practice of the activities of state bodies and specially authorized officials, public organizations, educational and medical institutions, etc. to ensure the protection and ensuring the personal rights of the child, as well as analysis of the existing (or lack of) practice of involving the child in solving issues that concern him rights and legitimate interests.

Solving this problem will allow us to have a real picture of the state of the mechanism for protecting and guaranteeing the rights of the child, to identify the reasons for the inconsistency of domestic legislation with international principles and standards, as well as the reasons for violations of the personal rights of the child.

2) Exploring the issues of a modern approach to the content of the system and the content of each child's right, which should be attributed to personal rights. Analysis of the consolidation and level of implementation of each personal right of the child.

The solution to this problem will provide a theoretical basis for the development of the Concept of the personal and political rights of the child and the introduction of a package of specific proposals into the legislative acts of the Republic of Kazakhstan regarding the legal status of the child.

3) Analysis of modern approaches to the concept of "political rights of the child" from the position of taking into account child's opinion when making decisions concerning its rights and freedoms. Elaboration of conclusions on the definition of the system of political rights of the child, analysis of each political right of the child and study of the possibility of implementing it into the legal reality of Kazakhstan.

The solution to this problem will provide a theoretical basis for the development of the Concept of the personal and political rights of the child and the introduction of a package of specific proposals into the legislative acts of the Republic of Kazakhstan regarding the legal status of the child.

4) Development of the draft Concept of personal and political rights of the child and its submission for discussion by the scientific community to the authorized state bodies (MES RK, MH RK, Ombudsman for human rights, Ombudsman for child rights, international and domestic human rights public organizations, law enforcement agencies, Akimats, etc.).

The solution to this problem will make it possible to develop a document that would define the goals, objectives, directions and ways of implementing the policy of Kazakhstan to protect the rights of the child, ensuring safety, create conditions for the formation of a child as an independent, integral, harmonious, self-sufficient person, a patriot.

5) Development and submission to the authorized state bodies, after a wide discussion of draft amendments and additions to the Law "On the Rights of the Child" and to other normative acts, which regulate the legal status of the child and the procedures for implementation and protection on the issues of securing the personal and political rights of the child and providing a mechanism for its implementation.

The solution of this problem will allow us to offer the authorized bodies a solution to the problems as: 1) ensuring the fulfillment of international obligations on the rights of the child (on personal and political rights); 2) ensuring the expansion and more accurate implementation of the rights of the child in the context of the modern concept of human rights and the recognition of the child as an independent person.

6) Submitting specific proposals, including draft amendments and additions to the regulations on improving the mechanism for ensuring the implementation and protection of the rights of the child.

The solution to this problem will make it possible to propose to state bodies measures to improve the organization of the activities of authorized bodies, organizations and institutions involved in the process of education and training, with the involvement of parents and the children themselves.

All these tasks will be aimed at ensuring the consolidation and implementation of the entire range of children's rights in Kazakhstan in accordance with international standards and international conventions for the protection of children's rights.

An analysis of the issues in the chosen area showed: absence of a unified state policy to protect and ensure the personal rights of the child, as well as a complete disregard of the child's right to count opinion when making decisions affecting its rights and freedoms.

Conclusion

The current legislator needs to reconsider its position on the definition of a child as an independent subject of law. The Law of the Republic of Kazakhstan "On the Rights of the Child", despite the huge volume of the latest changes and additions, contin-

ues to cause serious criticism of international organizations. The amendments made did not change the approaches and did not bring the Law in line with the requirements of the realities of life. Serious claims of the leaders of the Republic were expressed regarding the work of educational, law enforcement and other state bodies ensuring the protection of the rights of the child.

In our country, there are a number of unresolved problems concerning organization and operation of the mechanism for protecting and ensuring the rights of the child, in particular: the lack of interest of the government in expanding the complex of child rights, the wrong distribution of functions between state institutions caused by shortcomings in regulatory legal issues; fragmentation of the interests of state bodies and much more.

We believe that the Concept of the Personal and Political Rights of the Child will be aimed at addressing the issues of consolidating and ensuring the implementation of a certain set of children's rights, at improving the entire mechanism for protecting the rights of the child and at improving state policy in the interests of children.

We believe that the child's right to appeal is of importance towards rights, freedoms and legitimate interests protection and a way of opinion expressing and should be considered as the child's fundamental political right.

Based on the experience of foreign countries, the norms of the current legislation of the Republic of Kazakhstan and a logic itself, we believe that it is necessary to introduce the following norms into the current legislation of the Republic of Kazakhstan on the rights of the child and the Law of the Republic of Kazakhstan "On the procedure for considering appeals of individuals and legal entities":

A) children who have reached the age of 14 have the right to apply to state and self-government bodies, the administration of educational institutions independently without parental representation;

B) oblige state bodies to consider appeals of minors on a general basis with maintaining special registration reports and decision making reports, especially in cases of filing complaints with the notifi-

cation of social services and other authorized bodies (guardianship and guardianship authorities);

C) officially give a child the right to apply to courts and other law enforcement agencies in case of rights and legitimate interest's violation, committing any illegal activity against him. Whereas the current Kazakhstani legislation does not contain a direct rule indicating this right.

We believe that the institution of representation of the rights of the child may be limited in cases of disagreement between the child and his representatives, if the child expresses a desire to apply to international, state or public organizations in order to fully ensure a right to appeal.

However, in fact, the issues of political involvement of underage youth in Kazakhstan have not been developed either from a scientific, legal, or practical point of view. At the same time, reality dictates the need to determine issues related to political participation of young people into priority direction of the state's youth policy, since the spontaneous development of such political activity is may lead into protest forms, similar to those observed in France in 2006, Moldova in 2009, Moscow in 2017, etc. We believe that the conclusion of legal scholars who have studied the implementation of the constitutional rights of children in the Nordic countries (Scandinavia) is absolutely correct, who noted that "in order to ensure constitutional rights under discussion in daily life of children, that rights must be explicitly incorporated into substantive legislation which is used by decision-makers and professionals working with children. Children's constitutional rights will only become a reality when parents, teachers, social workers, doctors and other people interacting with children will respect it, actively promote and intervene into when rights could be violated. The future challenge for the promotion of children's rights is to actively place the interests of minors at the center of legislative work. The special legal position of the child as a vulnerable right holder and at the same time as an active participant requires the interpretation of constitutional provisions in terms of human rights that emphasize the interests of the child." (<https://eljastary.kz/articles/research/206.12.2019>).

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