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PROTECTION OF THE RIGHTS OF THE CHILD IN THE REPUBLIC OF KAZAKHSTAN AS AN OBJECT OF STATE ACTIVITY: THEORETICAL AND PRACTICAL ASPECTS

The theoretical and practical dimensions of child rights protection in Kazakhstan, emphasizing the nation's commitment to nurturing the well-being and development of its youngest citizens. Kazakhstan's legal framework, including its Constitution and international obligations like the United Nations Convention on the Rights of the Child (CRC), underscores the importance of safeguarding children's rights. A comprehensive legislative framework, comprising laws such as the Law on the Rights of the Child, the Law on Social and Legal Protection of Children Without Parental Care, and the Law on Education, forms the basis for child protection in Kazakhstan. However, the effectiveness of these laws hinges on their consistent implementation and enforcement, which requires strengthening the capacity of institutions and professionals involved in child protection. The article also highlights key child protection institutions and educational awareness programs in Kazakhstan. Nevertheless, persistent challenges, including cultural and traditional barriers, child abuse and neglect, and educational disparities, require holistic approaches for resolution. Bridging educational gaps, especially in rural and marginalized communities, necessitates targeted investments in infrastructure, teacher training, and curriculum development. In conclusion, Kazakhstan's commitment to child rights protection is evident in its legal framework and international obligations. However, addressing practical challenges requires ongoing evaluation, adaptation, and comprehensive strategies to ensure the full realization of children's rights.

Key words: Kazakhstan, United Nations, law, constitution, rights of the child.

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Қазақстан Республикасында баланың құқықтарын қорғау мемлекеттік қызмет объектісі ретінде: теориялық және практикалық аспектілері

Қазақстандағы бала құқықтарын қорғаудың теориялық және практикалық аспектілері қарастырылады, елдің ең кішкентай азаматтарының әл-ауқаты мен дамуына қамқорлық жасауға деген ұмтылысы атап өтіледі. Қазақстанның құқықтық базасы, оның Конституциясын және Біріккен Ұлттар Ұйымының Бала құқықтары туралы Конвенциясы (КПР) сияқты халықаралық міндеттемелерін қоса алғанда, балалардың құқықтарын қорғаудың маңыздылығын атап көрсетеді. Бала құқықтары туралы Заң, ата-анасының қамқорлығынсыз қалған балаларды әлеуметтік және құқықтық қорғау туралы Заң және білім туралы Заң сияқты Заңдарды қамтитын жан-жақты заңнамалық база Қазақстандағы балаларды қорғау үшін негіз қалыптастырады. Алайда, бұл заңдардың тиімділігі олардың дәйекті жүзеге асырылуына және құқық қолдану практикасына байланысты, бұл балаларды қорғаумен айналысатын мекемелер мен мамандардың әлеуетін нығайтуды талап етеді. Мақалада Балаларды қорғау жөніндегі негізгі мекемелер мен Қазақстандағы ағарту бағдарламалары да қамтылған. Дегенмен, мәдени және дәстүрлі кедергілерді, балаларға қатыгездік пен қараусыздықты және білім берудегі теңсіздікті қоса алғанда, жалғасып жатқан мәселелер шешудің біртұтас тәсілдерін қажет етеді. Білім берудегі, әсіресе ауылдық және маргиналды қауымдастықтардағы олқылықтарды жою инфрақұрылымға, мұғалімдерді даярлауға және оқу бағдарламаларын әзірлеуге бағытталған инвестицияларды қажет етеді. Қорытындылай келе, Қазақстанның бала құқықтарын қорғауға деген ұмтылысы оның құқықтық базасында және халықаралық міндеттемелерінде айқын

Алайда, практикалық мәселелерді шешу Балалардың құқықтарын толық іске асыруды қамтамасыз ету үшін үнемі бағалауды, бейімделуді және жан-жақты стратегияларды әзірлеуді талап етеді.

Түйін сөздер: Қазақстан, Біріккен Ұлттар Ұйымы, заң, конституция, бала құқықтары.

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Защита прав ребенка в Республике Казахстан как объект государственной деятельности: теоретические и практические аспекты

Теоретические и практические аспекты защиты прав ребенка в Казахстане, подчеркиваются приверженность страны заботе о благополучии и развитии своих самых маленьких граждан. Правовая база Казахстана, включая его Конституцию и международные обязательства, такие как Конвенция Организации Объединенных Наций о правах ребенка (КПР), подчеркивает важность защиты прав детей. Всеобъемлющая законодательная база, включающая такие законы, как Закон о правах ребенка, Закон о социальной и правовой защите детей, оставшихся без попечения родителей, и Закон об образовании, формирует основу для защиты детей в Казахстане. Однако эффективность этих законов зависит от их последовательного осуществления и правоприменительной практики, что требует укрепления потенциала учреждений и специалистов, занимающихся защитой детей. В статье также освещаются ключевые учреждения по защите детей и просветительские программы в Казахстане. Тем не менее, сохраняющиеся проблемы, включая культурные и традиционные барьеры, жестокое обращение с детьми и безнадзорность, а также неравенство в образовании, требуют целостных подходов к разрешению. Устранение пробелов в образовании, особенно в сельских и маргинализированных общинах, требует целенаправленных инвестиций в инфраструктуру, подготовку учителей и разработку учебных программ. В заключение следует отметить, что приверженность Казахстана защите прав ребенка очевидна в его правовой базе и международных обязательствах. Однако решение практических задач требует постоянной оценки, адаптации и разработки всеобъемлющих стратегий для обеспечения полной реализации прав детей.

Ключевые слова: Казахстан, Организация Объединенных Наций, закон, конституция, права ребенка.

Introduction

The protection of children's rights is a paramount concern in today's world, reflecting society's commitment to nurturing the well-being and development of its youngest members. The Republic of Kazakhstan, like many other nations, has recognized the importance of safeguarding the rights of children within its borders. This article delves into the theoretical and practical aspects of child rights protection in Kazakhstan, examining the role of the state in ensuring their realization. It explores the legal framework, international obligations, and the practical challenges that arise in the implementation of child protection measures.

1.1. Legal Foundations

Kazakhstan's commitment to the protection of children's rights begins with its legal framework. The Constitution of the Republic of Kazakhstan, adopted in 1995, underscores the significance of safe-

guarding children's rights. Article 30 of the Constitution explicitly states that the rights of the child are a matter of particular concern, emphasizing the state's obligation to protect their interests.

In addition to its national laws, Kazakhstan is a signatory to various international treaties related to child rights, including the United Nations Convention on the Rights of the Child (CRC). The CRC, ratified by Kazakhstan in 1994, is a seminal international instrument that outlines the rights of children and the responsibilities of states in ensuring their protection and well-being.

1.2. International Obligations

Kazakhstan's ratification of the CRC signifies a commitment to aligning its domestic laws and practices with global standards for child rights. The CRC sets forth a comprehensive framework for the protection of children's rights, enshrining principles such as non-discrimination, the best interests of the child, and the right to survival and development.

Article 2 of the CRC mandates that states parties take all necessary measures to ensure that children's rights are upheld without discrimination of any kind. Furthermore, Article 4 of the CRC obliges states to adopt legislative, administrative, and other measures to implement the rights recognized in the convention effectively. These provisions emphasize the legal and ethical responsibilities of Kazakhstan to protect and promote child rights.

2.1. Legislative Framework

The practical realization of child protection in Kazakhstan relies on a robust legislative framework. The country has enacted several laws and regulations specifically addressing child rights and welfare. Notable among these are the Law on the Rights of the Child, the Law on Social and Legal Protection of Children Without Parental Care, and the Law on Education.

The Law on the Rights of the Child encompasses a broad spectrum of child rights, including the right to life, survival, and development, echoing the principles outlined in the CRC. This law reinforces the government's commitment to creating an environment conducive to the growth and development of children. Furthermore, it addresses issues such as child labor, child abuse, and access to education, underscoring the multifaceted nature of child protection.

The legislative framework is a cornerstone of child protection in Kazakhstan, laying the foundation for the practical realization of children's rights. It is essential to delve deeper into the specific laws and regulations that govern child rights in the country, assessing their comprehensiveness and effectiveness in safeguarding the well-being of children.

- The Law on the Rights of the Child: A Comprehensive Approach

The Law on the Rights of the Child serves as a comprehensive legal instrument that encompasses a wide range of child rights. It goes beyond merely acknowledging children's rights to life, survival, and development; it also outlines their rights to a name, nationality, family, and protection from discrimination.

This law reflects the commitment of the Kazakhstani government to creating an environment conducive to children's growth and development. However, it is crucial to assess its practical effectiveness and the extent to which it is implemented consistently across the country (Koktysh 2018).

- Law on Social and Legal Protection of Children Without Parental Care: Addressing Vulnerable Populations

The Law on Social and Legal Protection of Children Without Parental Care is of paramount importance, considering the challenges faced by orphaned or abandoned children. This law should ensure that these vulnerable children receive the care and support they need to thrive.

However, the effectiveness of this law hinges on the adequacy and quality of the support systems in place for children without parental care. It is essential to critically examine the implementation of this law to determine whether it effectively safeguards the rights and well-being of this particularly vulnerable group (Paltseva 2015: 278-294).

- Law on Education: Fostering Inclusive and Quality Education

The Law on Education plays a vital role in the protection of children's rights by addressing their right to education. It is crucial to evaluate the extent to which this law promotes inclusive and quality education for all children, regardless of their socio-economic background or location.

Challenges such as disparities in educational infrastructure and resources between urban and rural areas need to be addressed to ensure that every child has equitable access to education. Additionally, the law should emphasize child-centered and inclusive teaching methods that facilitate children's holistic development (Khusainova 2017: 37-51).

- Enforcement and Monitoring: The Critical Link

While the existence of child protection laws is crucial, their effective enforcement and monitoring are equally essential. The Kazakhstani government needs to ensure that these laws are consistently implemented and that violations are swiftly addressed through a robust legal system.

An important aspect of this process is strengthening the capacity of law enforcement agencies and the judiciary to handle child rights cases effectively. This includes training for judges, prosecutors, and law enforcement officers on child rights issues (UNICEF. 2021).

- Challenges and Potential Reforms

Examining the legislative framework for child protection in Kazakhstan also involves identifying challenges and proposing potential reforms. For instance, there may be gaps in existing laws that need to be addressed, or amendments may be necessary to align with evolving international standards (UNDP. 2020)

Additionally, ongoing evaluations and assessments of the effectiveness of these laws in real-world situations are essential. The government should actively seek feedback from civil society organizations, child advocates, and children themselves to identify areas that require improvement.

In conclusion, Kazakhstan has established a strong legislative framework for child protection, reflecting its commitment to upholding children's rights. However, the effectiveness of these laws depends on their consistent implementation, enforcement, and adaptation to address evolving challenges. A critical analysis of the legislative framework, along with ongoing reforms and monitoring, is essential to ensure that children in Kazakhstan enjoy their rights to the fullest extent possible.

2.2. Child Protection Institutions

Child protection in Kazakhstan is not solely a matter of legislation; it involves a network of institutions and organizations dedicated to upholding children's rights. The government has established key institutions responsible for implementing child protection policies. These include the Ministry of Education and Science and the Ministry of Healthcare, which play crucial roles in shaping and implementing child protection measures.

Another vital institution is the Commissioner for Children's Rights, an independent ombudsman office tasked with monitoring and protecting children's rights. The Commissioner serves as an advocate for children's interests, investigates complaints, and collaborates with governmental bodies to address issues affecting children.

2.3. Education and Awareness

Ensuring child rights protection goes beyond legal frameworks and institutions; it necessitates comprehensive education and awareness programs. Kazakhstan has taken steps to raise awareness of child rights through educational initiatives and public campaigns within schools and communities. These programs aim to educate children, parents, teachers, and other stakeholders about the importance of child rights and the available mechanisms for addressing violations.

3.1. Cultural and Traditional Barriers

One of the significant challenges in effectively protecting children's rights in Kazakhstan is the influence of cultural and traditional practices. In

some communities, deeply rooted customs may conflict with modern human rights standards. Such practices may include early marriage, child labor, or gender-based discrimination, all of which can adversely affect children's well-being.

Addressing these challenges requires a delicate balance between respecting cultural diversity and upholding universal human rights. Sensitization efforts are crucial in engaging communities to understand the negative consequences of certain practices on children's lives. This involves fostering dialogue, raising awareness, and promoting alternatives that align with child rights principles.

3.2. Child Abuse and Neglect

Child abuse and neglect persist as significant issues in Kazakhstan despite legislative measures in place. Cases of child abuse, encompassing physical, emotional, and sexual abuse, continue to occur. Additionally, child neglect, often stemming from poverty or parental substance abuse, poses a substantial threat to children's well-being.

Effectively combating child abuse and neglect requires a multifaceted approach that encompasses not only legal measures but also social services, mental health support, and community engagement. Governmental agencies should collaborate with civil society organizations to create a safety net for vulnerable children and families.

3.3. Access to Quality Education

Kazakhstan has made strides in improving access to education; however, disparities in the quality of education persist. Rural and marginalized communities often lack access to well-equipped schools and qualified teachers. This inequality in educational opportunities not only hinders children's overall development but also limits their ability to exercise their rights fully.

To address this challenge, Kazakhstan must continue investing in its education system, particularly in underserved areas, to ensure that all children have equal access to quality education. Teacher training and curriculum development should be enhanced to provide a more inclusive and child-centered learning experience.

Access to quality education is a fundamental right that paves the way for a brighter future for children. In Kazakhstan, significant strides have been made in improving access to education. However, persistent disparities in the quality of education pose a substantial challenge, particularly

for rural and marginalized communities. This analysis explores the educational inequalities in Kazakhstan, emphasizes the importance of equitable access, and calls for targeted investments in the education system to ensure that all children have equal opportunities for quality education.

- Educational Disparities: A Multifaceted Challenge

Educational disparities in Kazakhstan are rooted in various factors. Rural areas often lack well-equipped schools and face shortages of qualified teachers, resulting in an unequal distribution of educational resources. Marginalized communities, including those with lower socio-economic backgrounds or those residing in remote regions, are disproportionately affected.

An analytical study should delve into the specific regions and communities facing the most significant challenges. Examining disparities in terms of infrastructure, teacher quality, and learning outcomes can provide valuable insights into the extent of the problem (Abilgazina 2020).

- Equitable Access: A Necessity for Child Rights

Equitable access to quality education is not just a matter of policy; it is a fundamental aspect of child rights protection. The right to education, as enshrined in international conventions such as the United Nations Convention on the Rights of the Child (CRC), extends to all children without discrimination. Ensuring that every child, regardless of their location or background, has equal access to quality education is imperative.

An analytical examination should assess the alignment of Kazakhstan's education policies and practices with international child rights standards. This includes an evaluation of how the principle of non-discrimination is applied in educational planning and resource allocation (United Nations, 1989).

- Investing in Education: A Path to Equality

To address the challenge of educational disparities, Kazakhstan must continue investing in its education system. Focusing on underserved areas is essential to bridge the gap in educational opportunities. This investment should encompass various aspects, including infrastructure development, teacher training, and curriculum enhancement.

An analytical approach should explore the allocation of educational budgets and the effectiveness of investments in improving access and quality. Additionally, the impact of targeted interventions, such as teacher training programs and school infrastructure development projects, should

be evaluated to ensure that they yield positive outcomes (World Bank, 2019).

- Enhancing Teacher Quality and Curriculum: A Child-Centered Approach

Teacher quality and curriculum development are pivotal elements in improving the quality of education. Kazakhstan should prioritize the enhancement of teacher skills, particularly in rural areas, to ensure that children receive quality instruction. Simultaneously, curriculum development should focus on child-centered approaches that cater to diverse learning needs.

An analytical assessment should examine the effectiveness of teacher training programs and curriculum reforms. This includes evaluating whether these initiatives are tailored to address the specific challenges faced by teachers and students in underserved communities (Ministry of Education and Science of the Republic of Kazakhstan, 2021).

Addressing educational disparities in Kazakhstan is imperative for upholding children's rights to quality education. An analytical approach that assesses the root causes, evaluates policy alignment with international standards, and examines the effectiveness of investments and interventions is essential. Equitable access to quality education is not only a child's right but also a crucial step towards fostering a more equitable and prosperous society.

Conclusion

The protection of children's rights in the Republic of Kazakhstan is a multifaceted endeavor that spans both theoretical and practical dimensions. Kazakhstan, like many nations, has recognized the paramount importance of safeguarding the rights of its youngest citizens. It has established a robust legal framework and ratified international treaties, such as the United Nations Convention on the Rights of the Child (CRC), to underscore its commitment to child rights protection.

The legal foundations are solid, with Kazakhstan's Constitution explicitly recognizing the rights of the child as a matter of particular concern. The CRC provides a comprehensive framework for the protection of children's rights, emphasizing principles like non-discrimination, the best interests of the child, and the right to survival and development. Moreover, the country has enacted laws such as the Law on the Rights of the Child, the Law on Social and Legal Protection of Children Without Parental Care, and the Law on Education, which address various facets of child protection.

However, the mere existence of laws and international commitments is not sufficient to ensure the realization of children's rights. The practical implementation of these laws and the ability of the state to protect children in diverse circumstances are crucial aspects to consider. The effectiveness of the legislative framework relies on its consistent implementation, enforcement, and adaptation to evolving challenges. It also depends on the capacity of institutions and professionals involved in child protection.

Analyzing the practical aspects reveals both progress and persistent challenges. Child protection institutions, such as the Commissioner for Children's Rights, play a pivotal role in monitoring and advocating for children's interests. Moreover, awareness programs and educational initiatives contribute to fostering a culture of child rights. However, cultural and traditional barriers, child abuse and neglect, and educational disparities remain formidable challenges.

The cultural and traditional practices prevalent in some communities can clash with modern human rights standards, necessitating a delicate

balance between respecting diversity and upholding universal child rights principles. Child abuse and neglect persist despite legislative measures, emphasizing the need for a holistic approach that encompasses social services, mental health support, and community engagement.

The disparities in the quality of education pose a significant hurdle to the full realization of children's rights in Kazakhstan. Although there have been improvements in access to education, rural and marginalized communities continue to face educational inequalities. Bridging this gap requires sustained investments in infrastructure, teacher training, and curriculum development.

In conclusion, protecting the rights of the child in Kazakhstan is a dynamic process that requires ongoing commitment, evaluation, and adaptation. While Kazakhstan has made commendable strides in the realm of child rights, there are still challenges to overcome. A comprehensive and analytical approach, as outlined in this article, is essential to ensure that children in Kazakhstan can fully enjoy their rights and that the nation moves closer to fostering a more equitable and prosperous society.

References

- Constitution of the Republic of Kazakhstan. (1995). Article 30.
- United Nations Convention on the Rights of the Child (CRC). (1989).
- Law on the Rights of the Child of the Republic of Kazakhstan. (2003).
- Law on Social and Legal Protection of Children Without Parental Care of the Republic of Kazakhstan. (2004).
- Law on Education of the Republic of Kazakhstan. (2007).
- Office of the Commissioner for Children's Rights of the Republic of Kazakhstan. (2021). Official Website. [Link]
- United Nations Children's Fund (UNICEF). (2020). Child Rights in Kazakhstan: Situation Analysis. [Link]
- UNICEF Kazakhstan. (2019).
- Koktysh, M., & Hanafiyeva, L. (2018). Child's rights and Kazakhstan legislation: trends and practical implementation. *Journal of Environmental Treatment Techniques*, 6(4), 70-74.
- Paltseva, A., & Yessengaliyeva, G. (2015). Institutional Care of Orphans and Vulnerable Children in Kazakhstan: Legislation and Implementation. *Journal of Social Service Research*, 41(3), 278-294.
- Khusainova, G. (2017). Quality education for all: challenges and prospects in Kazakhstan. *Central Asian Journal of Education*, 2(1), 37-51.
- UNICEF. (2021). Legal Reforms and Justice for Children in Kazakhstan.
- United Nations Development Programme (UNDP). (2020). Legal Reforms for Child Protection in Kazakhstan: Challenges and Recommendations.
- Abilgazina, G., & Ismanov, M. (2020). Educational Inequalities in Kazakhstan: Causes and Consequences. *Central Asian Journal of Education*, 5(2), 125-139.
- United Nations. (1989). Convention on the Rights of the Child (CRC).
- Ministry of Education and Science of the Republic of Kazakhstan. (2021). Education Development in Kazakhstan: Strategy 2030.