

**Zhatkanbayeva A.E., Kuanaliyeva G.A.<sup>2</sup>,  
Nakisheva M.K.,<sup>3</sup> Maria Riekkinen<sup>4</sup>**

<sup>1</sup>doctor of jurisprudence, e-mail: Aizhan.Zhatkanbaeva@kaznu.kz

<sup>2</sup>doctor of jurisprudence, professor, e-mail: kuanaliyeva.guldanakz@mail.ru

<sup>3</sup>PhD doctor, associated professor, e-mail: Makhabbat.kaznu@gmail.com

Al-Farabi Kazakh National University, Kazakhstan, Almaty

<sup>4</sup>PhD doctor, associated professor ABO Akademia,

Finland, Turku, e-mail: mpimanov@abo.fi

**STAGES OF DEVELOPMENT OF JUVENILE COURTS SYSTEM  
IN THE REPUBLIC OF KAZAKHSTAN**

This article makes the analysis of development of juvenile courts system of the Republic of Kazakhstan as basic link of juvenile justice. Also it investigates influence of international public organizations on formation of the modern mechanism of protection of the children's rights. The purpose of this work is the analysis of realization in Kazakhstan of the undertaken international obligations in administration of justice to minors. And also the analysis of problems of development of juvenile justice of Kazakhstan through a prism of a research of historical and legal content of formation of juvenile justice in Kazakhstan. When writing this work both general-theoretical, and specifically scientific methods of knowledge, namely dialectic, comparative and legal, historical, formal and dogmatic (special and legal), concrete and legal and logical methods have been applied. The scientific and practical importance of a research consists in the received results and conclusions. The increased scientific interest in a problem of juvenile justice is connected with the continuing reforms in this field, in particular with domestic and international initiatives in improvement of a legal mechanism of protection of the minors' rights at their interaction with law enforcement agencies. As a result, article makes conclusion on existence of a big complex of problems in the organization of juvenile justice system, which is still far from perfect despite the huge volume of the work which has been carried out in this sphere. Article makes the analysis of the main stages of creation and development of juvenile courts system in Kazakhstan and also defines those tasks which the state and human rights organizations still face. The practical value of article consists in a possibility of use of the received results in improvement of the current legislation of the Republic of Kazakhstan and the rights of the child and also in law-enforcement activity at involvement of the minor to legal responsibility.

**Key words:** minors, juvenile justice, Beijing rules.

Жатқанбаева А.Е., Қуаналиева Г.А.<sup>2</sup>, Накишева М.К.<sup>3</sup>, Мария Риэккинэн<sup>4</sup>

<sup>1</sup>заң ғылымдарының докторы, е-mail: Aizhan.Zhatkanbaeva @ kaznu.kz

<sup>2</sup>заң ғылымдарының докторы, профессор, е-mail: kuanaliyeva.guldanakz@mail.ru

<sup>3</sup>доцент, е-mail: Makhabbat.kaznu@gmail.com

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

<sup>4</sup>PhD докторы, аға оқытушы ABO Akademia,

Финляндия, Турку қ., е-mail: mpimanov@abo.fi

**Қазақстан Республикасындағы кәмелетке толмағандардың  
соттар жүйесінің даму сатылары**

Бұл мақалада Қазақстан Республикасындағы кәмелетке толмағандар соттарының дамуының кәмелетке толмағандар юстициясының негізгі жүйесі ретіндегі талдау жүргізілді. Сонымен қатар, халықаралық ұйымдардың бала құқықтарын қорғаудағы қазіргі тетігін құруына әсер етуі зерттелуде. Бұл жұмыстың мақсаты, сот әділдігіне жіберу саласындағы кәмелетке толмағандарға

катысты Қазақстанның халықаралық міндеттерді өздеріне алуға байланысты жүзеге асыруды талдау болып табылады. Қазақстанның кәмелетке толмағандардың сот әділдігінің тарихи-құқықтық мазмұнының қалыптасуы арқылы мәселелерін талдау. Жұмысты жазу кезінде жалпытеориялық және оқып білудің ғылыми әдістері, дәлірек айтсақ, салыстырмалы-құқықтық, тарихи, арнайы заңи, нақты-құқықтық және логикалық әдістер қолданылды. Зерттеудің ғылыми және тәжірибелік маңызы алынған нәтижелер мен қорытындылардан көрінеді. Кәмелетке толмағандардың сот әділеттілік мәселесіне ғылыми қызығушылық, осы саладағы жалғастырушы реформалармен байланысты, әсіресе кәмелетке толмағандардың құқықтарын қорғаудың құқықтық тетігін жетілдірудің отандық және халықаралық бастамаларымен олардың құқыққорғау органдарымен арақатынасынан байқауға болады. Қорыта келе, бұл мақалада, осы саладағы толық көлемді жұмыстардың өткізілуіне қарамастан, кәмелетке толмағандардың сот әділдігі жүйесіндегі ұйымдардың үлкен кешенді мәселелердің болуы туралы нәтижелер көрсетілді. Мақалада, Қазақстандағы кәмелетке толмағандар соттарының жүйесінің құрылуы және дамуының негізгі сатыларына байланысты талдау жүргізілді, сонымен бірге, мемлекеттік және құқық қорғау ұйымдары алдындағы тапсырмалар анықталды. Мақаланың тәжірибелік мәселесі Қазақстан Республикасының заңдарының жетілдірілген нәтижелерін алуды пайдалану мүмкіндіктерінде көрініс табады және кәмелетке толмағандарды заңи жауапкершілікке тартудың құқықтық қолдану қызметінен байқалады.

**Түйін сөздер:** кәмелетке толмағандар, кәмелетке толмағандардың сот әділдігі, Пекин ережелері.

Жатқанбаева А.Е.<sup>1</sup>, Куаналиева Г.А.<sup>2</sup>, Накишева М.К.<sup>3</sup>, Мария Риккинен<sup>4</sup>

<sup>1</sup>доктор юридических наук, e-mail: Айжан.Жатқанбаева @ kaznu.kz

<sup>2</sup>доктор юридических наук, профессор, e-mail: kuanalieva.guldanakz@mail.ru

<sup>3</sup>PhD доктор, доцент, e-mail: Makhabbat.kaznu@gmail.com

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

<sup>4</sup>PhD доктор, ABO Академия,

Финляндия, г. Турку, e-mail: mpimanov@abo.fi

### Этапы развития системы ювенальных судов в Республике Казахстан

В данной статье проводится анализ развития системы ювенальных судов Республики Казахстан как базового звена ювенальной юстиции. Также исследуется влияние международных общественных организации на становление современного механизма защиты прав детей. Целью данной работы является анализ реализации в Казахстане взятых на себя международных обязательств в области отправления правосудия в отношении несовершеннолетних. А также анализ проблем развития ювенальной юстиции Казахстана через призму исследования историко-правового содержания формирования ювенальной юстиции в Казахстане. При написании работы применялись как общетеоретические, так и конкретно научные методы познания, а именно диалектический, сравнительно-правовой, исторический, формально-догматический (специально-юридический), конкретно-правовой и логический. Научная и практическая значимость исследования заключается в полученных результатах и выводах. Повышенный научный интерес к проблеме ювенальной юстиции связан с продолжающимися реформами в данной области, в частности с отечественными и международными инициативами по совершенствованию правового механизма защиты прав несовершеннолетних при их взаимодействии с правоохранительными органами. В итоге, в статье сделан вывод о наличии большого комплекса проблем в организации системы ювенальной юстиции, которая еще далека от совершенства, несмотря на огромный объем работы, проведенной в этой сфере. В статье проводится анализ основных этапов создания и развития системы ювенальных судов в Казахстане, а также определены те задачи, которые еще стоят перед государственными и правозащитными организациями. Практическое значение статьи заключается в возможности использования полученных результатов по совершенствованию действующего законодательства Республики Казахстан и правах ребенка, а также в правоприменительной деятельности при привлечении несовершеннолетнего к юридической ответственности.

**Ключевые слова:** несовершеннолетние, ювенальная юстиция, Пекинские правила.

### Introduction

Children and teenagers of Kazakhstan make a quarter of the population of the republic (the share

of children aged from 0-17 years in structure of the population for the beginning of 2015 makes 30,4% (2014 – 30%). For January 1, 2015 the number of children aged 0-17 years make 5 298 488, in

2014 – 5 151 221. Increase – 147 267 person (2014 – 121 285). Boys are 141 132 more, than girls (2719810/2578678)). At the beginning of 2016 the population of RK was 17 753 200 person, including children at the age of 0-17 years 5460 449 (30,7% of the total number of the population), including boys – 2 804 265 (51,4%) and girls – 2 656 184 (48,6%). Such solid specific weight of the children's population in demographic structure of the country results in need of constant improvement of state policy in the field of protection of motherhood and the childhood (Report on position of children, 2016: 1).

Kazakhstan takes an active position concerning protection of the children's rights, has adopted a number of normative legal acts and developed a number of important industry programs in the sphere of observance and protection of the rights of minors which realization assists development of national policy in questions of legal protection of the childhood. In particular, to be highlighted: Strategy "Kazakhstan – 2050", which realization is assigned to execution of the Plan of the nation – 100 concrete steps on realization of five institutional reforms, the State program of development of education of the Republic of Kazakhstan for 2011 – 2020; The State program of development of health care of the Republic of Kazakhstan "Densaulyk" for 2016 – 2019; The Action plan of the country program of the Government of the Republic of Kazakhstan and UNICEF for 2010 – 2015 and a number of other program documents.

Formation and active work of juvenile justice system serves as the guarantor of specialized judicial legal protection of the rights of minors.

The purposes of juvenile justice are:

- creation of legal, economic, social, political, organizational, financial and other conditions for successful functioning of a life support system of the minor and institution of the family;

- providing and protection of the rights and legitimate interests of the children who have got into a difficult life situation or entered the conflict with the law by means of social and rehabilitation, preventive and other measures of human rights activity of the state;

- social and legal protection of large, incomplete, crisis family and social and economic maintenance of young family as fundamental institute of the Kazakhstan society (Suleymenova G., 2018: 2).

The main problems of juvenile justice are:

- ensuring rights of the minor, as subject, civil, labor, family, housing, educational and other civil rights;

- taking measures for restoration of the violated rights of the minor for the purpose of creation of normal conditions for his education and development;

- in case of the entering of the minor into the conflict with the law – acceptance of exclusively individual and adequate, sparing punishment measures, taking into account his physical and mental development, intellectual, strong-willed and moral level, features of character and temperament, his social portrait.

In scientific literature there are a number of the main functions of juvenile justice:

1. Precautionary function which assumes identification and elimination of the reasons and conditions promoting a social disadaptation, neglect, homelessness and crime among minors.

2. Educational function.

3. Recovery function of juvenile justice has two aspects: restoring (concerning violated rights and interests of the child) and rehabilitating (concerning the minor offender) (Melnikova E.B., 2001: 3).

### Research methodology

During the scientific and legal analysis and registration of its results in this work have been used analysis and doctrinal interpretation of regulations with application of system and legal, historical, comparative and legal, structural, logical and legal, judicial and linguistic methods of scientific research.

The problems connected with a legal regulation of the rights of minors and their guarantees for access to justice in Kazakhstan from the point of view of compliance to the international acts, ratified by RK, have been investigated, proceeding from basic provisions:

- the norms connected with consideration of questions of protection of the teenagers' rights in the course of obtaining the right for access to justice, affirmed in a number of the international documents of universal, regional and subregional character and also resolutions and decisions of conventional bodies of the UN;

- the developed international legal mechanisms providing realization of the children's rights, including rights on access to justice;

- positive experience of the legislation of foreign countries in the part concerning ensuring the principle of equal access to justice and its realization.

When carrying out the analysis of interaction of bodies of juvenile justice of the Republic of

Kazakhstan with public institutes the following methods have been applied:

1. the historical and legal analysis allowing to consider a trajectory and progress of development of the domestic mechanism of protection of the children's rights, including juvenile justice of Kazakhstan;

2. the comparative and legal, comparative and analytical methods, allowing to compare domestic and international methodology of work, the organization and activity of bodies of juvenile justice and influence of institutes of civil society on it. In this context it is used: functional comparison; standard comparison; problem comparison, conceptual comparison;

3. concrete and sociological, assuming implementation of collecting, the analysis and processing of legal and other analytical information (official documents, materials of practice of law enforcement agencies, questioning materials);

4. Statistical method.

Opinions concerning the structure of juvenile justice are various. Narrow approach around the world, is mainly connected with its main element – juvenile court. Some foreign and domestic scientists consider that the concept “juvenile justice” has to consist in itself a wide range of public authorities. The point of view of A.V. Komaritskiy is indicative, he considers that “in a broad sense it is necessary to understand the juvenile justice as a set of legal, medico-social, psychology and pedagogical and rehabilitation mechanisms and also other procedures and programs intended for ensuring the fullest protection of the rights, freedoms and legitimate interests of minors and also persons responsible for their education realized by the system of the public and non-state authorities and the organizations” (Karnozova D.Yu., 2007: 4).

Proceeding from a position of broad approach to the system of juvenile justice, the domestic model consists:

I. – juvenile courts;

– juvenile police;

– commissions on affairs of minors;

– Committee on protection of the children's rights of the Ministry of Education and Science of RK (as coordinating body);

– Ombudsman for Children's rights;

– specialized bodies and (or) specialized divisions of bodies and institutions (justices, internal affairs, health care, education, culture, social protection, social security, guardianship and guardianship, etc.) which activity is connected with questions of a juvenile profile;

– juvenile investigators,

– institutions of penal system;

II. local government bodies;

III. the non-governmental non-profit organizations which are engaged in social, research, medico-psychological, social and psychological and other problems of work with minors;

IV. juvenile lawyers.

Our position is that the juvenile justice shouldn't be surveyed so widely, otherwise it turns into juvenile system. Whereas the juvenile justice, from our point of view, represents the justice system concerning minor citizens, uniting law-enforcement and other executive authorities, bodies and institutions on prophylaxis of a children's offences around the juvenile court.

The corner idea of creation of juvenile justice system in Kazakhstan is to give the chance to the stumbled teenager to improve and be re-educated, apply to him the sparing measures of the punishment, differing from those applied to adults, to bridge efforts of all public authorities on protection of the child's.

Before the analysis begins, it should be noted that creation of juvenile justice system in Kazakhstan has positively affected questions of interaction of the minor and justice system. In particular, refusal of old stereotypes concerning protection of human rights in general, and of the minors both in activity of courts, and law enforcement agencies, in which the repressive beginnings prevailed, have positively affected many destinies, and it is testified by statistical data and law-enforcement practice on criminal cases. So, in 2002 Kazakhstan took the 3rd place in the world among 221 states by the number of people condemned on 100 thousand people.

Started reforms of decriminalization and liberalization of criminal liability, revision of approaches to punishment of children's crime have led to the positive moments, so in 2013 Kazakhstan took already the 31st place (as of August 1, 2013 49 883 persons was in prisons, including 42 900 convicts and 6 983 investigative arrested. 17 580 convicts stay on the registry of criminal and executive inspections, including 2 864 women and 256 minors), and in 2016 in the rating of the countries on number of prisoners Kazakhstan took the 55th place (233 prisoners per 100 thousand people population). According to the Center of prison researches, the strong imbalance is characteristic of the gender structure of the prison population of Kazakhstan: in the total number of convicts – women make 7% (about 3 thousand people). Besides, another 7% of convicts – pensioners, teenagers – make 0,6%

of convicts, and foreigners – 4,5% (Electronic resource: 5).

Respectively, questions of protection of the children's rights always represented and represent a problem, which concentrate the attention of a huge circle of subjects. Therefore the undertaken reforms, which, to be noted, have been begun at once after obtaining independence by Kazakhstan, despite heavy political and social and economic situation, always were under close attention of the public. The president always noted need of special approach to children, so in "The Kazakhstan way – 2050" Uniform purpose, uniform interests, the uniform future", N.A. Nazarbayev emphasizes that "Children – the most vulnerable and most unprotected part of our society, and they shouldn't be deprived of civil rights. Any child who was born on our earth – the Kazakhstan citizen. And the state has to care for him. ... Education of children is huge investment into the future" (Kazakhstan – 2030, 2005: 6). The same principle is used also concerning the children and teenagers who have committed illegal acts.

Withdrawal from the Soviet retaliatory system became the main direction of radical restructurings in criminal, criminal-executive, criminal procedure, administratively delictual systems. Serious transformations in this sphere have become possible with hugely assistance of various public institutes helping effective introduction of transformations, search of the new directions.

At the same time to speak about completeness of reforming of system of juvenile justice in Kazakhstan still early. The principle of justice, friendly to children, only begins to take root.

Withdrawal from the Soviet retaliatory system became the main direction of radical restructurings in criminal, criminal-executive, criminal procedure, administratively delictual systems. Serious transformations in this sphere have become possible with hugely assistance of various public institutes helping effective introduction of transformations, search of the new directions.

At the same time it is still early to speak about completeness of reforming of system of juvenile justice in Kazakhstan. The principle of friendly justice to children, only begins to take root.

### **Juvenile courts**

The resolution of the Supreme Council of the Republic of Kazakhstan of July 8, 1994, which states that availability of minors to justice is one of the basic principles of protection of the rights, freedoms and legitimate interests of children and

minors. At the same time, its realization before creation of juvenile courts wasn't perfect. So, in the conclusion examination according to the expert of Corporate Fund "Eurasia Fund of Central Asia" G.Zh. Suleymenova in scientific legal examination of the Convention on the Rights of the Child, in her comparison to the national legislation in the part concerning access to justice of children, it has been noted, that though implementation of the Concept has been appointed to the end of 2011, but for that period this principle hasn't been really realized. The reforms undertaken in a consequence, have changed a situation and have been directed to that in order to resolve optimally the issues of not only availability of justice to minors, but also the main thing, – specializations of judges. Juvenile courts have received the status of courts of complex jurisdiction, to which jurisdiction can be submitted criminal, civil and cases on administrative offenses.

Juvenile courts are included into the judicial system of the Republic of Kazakhstan which represents a certain hierarchy: The Supreme Court of the Republic of Kazakhstan, local and other courts established according to the Constitution of the Republic of Kazakhstan and the Constitutional law "About Court and the Status Court" of December 25, 2000 No. 132-II and represent specialized interdistrict courts for minors (are formed by the Decree of the President of the Republic of Kazakhstan of February 4, 2012 No. 266 "About formation of specialized interdistrict courts for minors and introduction of amendments to some decrees of the President of the Republic of Kazakhstan") (The decree of the President of the Republic of Kazakhstan of February 4, 2012: 7). Legal status of these courts and the status of judges is defined by the Constitutional law "About Court and the Status Court" which defines structure, powers, legal status of judges, ensuring activity of the courts and so forth.

Juvenile courts are specialized courts to competence of which consideration of separate categories of the cases, withdrawn from competence of the courts of general jurisdiction, can be referred, namely cases concerning the minors made with involvement of minors.

That huge loading which lays down on juvenile courts of the Republic is reflected in statistical data. During the briefing on the subject: "The main results of activity of juvenile courts for the first half of the 2015 and the current jurisprudence on protection of the rights of minors", held by Service of the central communications at the President of the Republic of Kazakhstan have been designated the following data:

So, for example, for 2014: According to EAIAS in 2014 totally 25 899 claims and cases have come to juvenile courts, including 8 527 civil, 14 038 administrative and 3 334 criminal, it is for 196 or 0,7% less, than in 2013 (26 091 claims and cases, including 8 910 civil, 14 339 administrative and 2 782 criminal). In general, 2,1% of the cases and claims of their total number which have come to courts of the first instance on the republic (1 221 011) have come to specialized juvenile courts in 2014. Statistically in 2014 8 527 civil cases and claims have come to juvenile courts that is 4,3% less, than in 2013 (8 910). In total 7 149 civil cases were finished by proceeding, that is 1,8% less, than in 2013 (7 278). With decision 5 638 cases or 78,9% of ended ones are considered, that is 1% less, than in 2013 (5 667 or 77,9%). From them with pronouncement of the default judgment 56 or 1% of number of judgments have been considered (in 2013 – 73 or 1,3%). The number of the civil cases that finished with application of alternative ways of decision has made 292 or 4% of ended ones (in 2013 – 332 or 4,6%). From them in view of the conclusion of the settlement agreement – 203 cases, conclusions of agreement about settlement of a dispute as mediation – 89 cases (in 2013 – 267 and 65 respectively). 14 038 cases on administrative offenses have come to juvenile courts that is 2,1% less in comparison with 2013 (14 339). Totally 12 046 administrative cases have been finished, that is 1% less, than in 2013 (12 170). According to EAIAS data in 2014 3 334 criminal cases have come to juvenile courts, that is 19,8% more, than in 2013 (2 782). From them as private charge – 2 140 cases that has made 64,2% of total number of the arrived cases. At the same time the number of cases of private charge in comparison with 2013 has increased by 88% (1 140). 3 325 cases have been finished. From them with adjudgement of 868 criminal cases or 26,1% of total number of the finished cases (for 2013 – 967 cases or 35%). In total juvenile courts have condemned 1 155 persons, 115 were acquitted (in 2013 – it is condemned 1 481, 39 persons were acquitted). From the specified number convicts – 623 persons or 54% are minors that is 9,1% less, than in 2013 (63,1%). 1 757 cases proceeding (53%) concerning 2 059 persons were stopped (for 2013 – 1 384 concerning 1 813 persons). From them 455 cases concerning 675 minors whereas in 2013 such affairs there were 689 cases concerning 1 014 minors were stopped. For 7,3% the number of the cases finished as mediation has increased (12% against 4,7% in 2013). At the same time, the number of persons justified by these courts has increased

almost three times from 39 to 115 (at the same time, justified minors aren't available). Besides, on the different bases every second case is dismissed by proceeding. Also it should be noted that the number of minors – the victims was reduced by 5,6% (19,4% against 25% in 2013) (An electronic resource: 8).

In 10 months during 2015 8 913 civil cases and claims have come to specialized interdistrict courts for minors (further – juvenile courts) that is 4,3% less, than in 2014 (9 207). In total 1,1% of total number of the cases and claims (761 533) which have come to regional courts of the republic, whereas in 2014 – 1,3% (659 876) have come to juvenile courts. Thus, the number of the arrived cases and the number of claims to these courts in comparison with 2014 has slightly decreased. Growth of number of the arrived cases and claims is noted in juvenile courts Southern Kazakhstan (from 976 to 1007), Pavlodar (from 607 to 656), Kostanay (from 405 to 408), Mangystau (from 314 to 365), Atyrau (from 265 to 295) and West Kazakhstan (from 254 to 281) areas. In 10 months of 2015 juvenile courts totally finished proceeding of 7 149 civil cases that it is less, than in 2014 (7 278) for 1,8%. 5 638 cases or 78,9% of finished ones have been are considered with judgment, that is 0,5% less, than in 2014 (5 667 or 77,9%). With pronouncement of the default judgement 56 or 1% of number of judgements were considered (in 2014 – 73 or 1,3%). Therefore, the specific weight of the default judgement was decreased for 0,3%. Violations of procedural terms by juvenile courts aren't allowed, as well as in 2014 (Electronic resource: 9).

4 213 criminal cases have come to courts for minors, 4 115 cases finished, including 768 cases (26,1% of number of finished ones) concerning 1 270 persons are considered with adjudgement. 1 155 persons or 90,9% were condemned, 115 persons or 9,1% were acquitted. Proceedings of 1 757 cases (52,9% of number of finished ones) concerning 2 059 persons were stopped. In 2013 2 782 cases have arrived, 2 759 cases finished, including 967 cases (35% of number of finished ones) concerning 1 520 persons are considered with removal of sentences, 481 person or 97,4% were condemned 1, 39 persons or 2,6% were acquitted. Proceedings of 1 384 cases (50,2%) concerning 1 813 persons were stopped. Thus, receipt of criminal cases in courts for minors has increased by 19,8%. At the same time, it should be noted that the number of justified persons in the expired year has increased almost three times from 39 to 115 (specific weight of justified persons has increased for 6,5%), besides every second case is dismissed by proceeding (Electronic resource: 10).

All these statistical data, even in the cut-down scale, confirm how much loading carry out juvenile courts today, rendering the qualified legal aid to the minors, including to those who is in a difficult life situation. That is, juvenile justice in Kazakhstan, on the one hand, carries out counteraction of offences of the teenagers, and on the another, as a way of protection of minors, their rights and interests from negative impact. At the heart of activity of juvenile courts of the Republic there is the basic principle: the child is considered not as subject to repressions, and as the subject of rehabilitation.

Juvenile courts have civil jurisdiction and according to standards of the Civil and procedural code:

- about definition of the residence of the child and an order of communication with the child;
- about deprivation (restriction) and restoration of the parental rights;
- about child adoption;
- about cancellation of child adoption;
- about the direction of minors in the special organizations of education or the organization with a special treatment;
- guardianship and patronage over minors according to the matrimonial legislation of RK;
- about return of the child or about implementation concerning the child of access rights on the basis of the international treaty of RK;
- about recognition of the minor as completely incapacitated.

**Table 1** – Data on quantity of the considered civil cases with decision by specialized interregional courts for minors

Regions	Considered with entry of judgment (definition)							
	2010	2011	2012	2013	2014	2015	2016	3 months 2017
1	2	3	4	5	6	7	8	9
Republic of Kazakhstan	612	614	2705	5667	5640	5630	7469	1664
Astana	214	183	218	296	249	392	547	123
Almaty	398	431	406	402	379	444	693	123
Akmola region			97	320	278	228	174	35
Aktobe region			104	345	263	211	277	55
Almaty region			349	545	536	610	777	153
Atyrau region			120	167	194	199	234	49
EKR			184	451	443	340	450	106
Zhambyl region			145	357	308	304	406	97
WKR			79	179	193	141	258	64
Karaganda region			171	633	661	581	744	181
Kostanay region			104	289	265	240	198	32
Kyzylorda region			136	270	310	316	484	103
Mangystau region			138	210	260	237	419	136
Pavlodar region			145	333	448	439	486	151
SKR			88	216	197	195	256	46
NKR			221	654	656	753	1066	210

The vast majority is made by the cases connected with the offenses encroaching on the rights of minors (7 696 or 63,9%). The research has shown that the most widespread category of the civil cases considered by JC is connected with deprivation of the parental rights. Based on results of observations of the judicial hearings which are carried out at JC,

41,4% of the cases considered in JC are connected with deprivation of the parental rights; then follow cases on definition of the residence of minors (31,0%) and the cases connected with access rights (13,8%) 24.

The administrative jurisdiction extends to the administrative offenses committed by minors.

According to the Administrative Code of RK the persons which have reached the 16th age are brought to administrative responsibility. That is juvenile courts consider administrative offenses concerning persons from 16 to 18 years. At the same time the Administrative Code of RK states that commission of act by the minor is the softening circumstance (Art. 56 the Administrative Code of RK) whereas involvement of the minor is recognized as the aggravating circumstance (Art. 57 the Administrative Code of RK).

Not only illegal acts of minors which as a rule concern disorderly conduct (disorderly conduct, firing from fire, gas, pneumatic weapon, obviously false call of special services by the minor, drinking by the minor aged up to 18 years of alcoholic beverages or emergence in public places in state of intoxication, finding of minors in entertaining institutions or outside the house at night without lawful representatives, etc.), but also the whole complex of offenses concerning the minor belong to an administrative jurisdiction of juvenile court:

- non-performance by parents or other lawful representatives of obligations for education of the minor – Art. 127 the Administrative Code of RK: 2015 – 8956, 2016 – 5462, 2017 – 3015;

- involvement of the minor in commission of administrative offense – St.128 Administrative Code of RK: 2015 – 31, 2016 – 23, 2017 – 6;

- non-performance by officials of local executive bodies and (or) lawful representatives of the child of an obligation for registration of the orphan children, children without parental support

needing the house – Art. 129 the Administrative Code of RK: 2015 – 6; 2016 – 1; 2017 – 1;

- non-performance by officials of local executive bodies and (or) lawful representatives of the child of an obligation for safety of the house of orphan children, children without parental support – Art. 130: structures are unregistered;

- bringing the minor to state of intoxication – Art. 131: 2015 – 285, 2016 – 149, 2017 – 76;

- assumption of finding of minors in entertaining institutions without lawful representatives – Art. 132 the Administrative Code of RK: 2015 – 1343; 2016 – 869; 2017 – 536;

- sale of tobacco and tobacco products to persons and persons aged up to 18 years – Art. 133 the Administrative Code of RK: 2015 – 2114, 2016 – 1253, 2017 – 871;

- sale by the minor of objects and materials of the erotic contents – Art. 134 the Administrative Code of RK: 3 offenses in 2015;

- violation of an order and terms of submission of information about the minors needing transfer on adoption under guardianship, on education to families of individuals – the information aren't provided;

- evasion of the parents or persons replacing them from treatment of minor children with the diseases constituting danger to people around – the statistics isn't provided;

- violation of the obligation about providing an appearance minor accused (suspect) to the investigator, the investigator or in court, the evasion which has entailed him from the investigation and courts – the statistics isn't provided.

**Table 2** – Statistical data on the considered administrative offenses committed by minors in 2010 – 2016 and 6 months 2017

	2010	2011	2012	2013	2014	2015	2016	6 month 2017
Republic of Kazakhstan	31 099	23 467	17 399	15 455	8 474	6 108	5 566	3 958
Astana	2 548	2 889	1 765	2 118	1 009	692	882	528
Akmola region	1 428	1 364	1 285	357	294	269	249	106
Aktobe region	1 382	795	557	524	559	194	109	108
Almaty	3 519	2 421	1 946	1 454	892	1 134	584	648
Almaty region	1 050	1 246	1 109	778	296	168	118	110
Atyrau region	882	468	699	1 407	290	273	94	85
EKR	5 560	3 698	2 239	2 317	1 393	1 341	1 538	1 022
Zhambyl region	714	543	616	518	266	83	99	69
WKR	1 389	938	373	422	533	145	104	68
Karaganda region	2 407	1 720	1 276	1 187	668	474	390	244



Continuation of Table 2

	2010	2011	2012	2013	2014	2015	2016	6 month 2017
Kostanay region	2 776	1 649	975	576	262	132	112	89
Kyzylorda region	1 561	1 418	1 957	1 228	678	319	273	231
Mangystau region	1 616	1 260	995	815	320	263	177	146
Pavlodar region	1 133	1 030	479	669	583	325	613	365
SKR	2 700	1 715	697	512	171	112	86	45
NKR	434	313	431	573	260	184	138	94

The statistics of work of juvenile court shows that to non-performance of parental responsibilities (36,4% of administrative cases), finding of minors outdoors at night without the lawful representative (22,7% of administrative cases behind which observations were made), or to drinking by minors of alcoholic drinks / to stay outside the house in alcohol intoxication (18,2% of administrative cases behind which observations were made). In total in 2014, for example, 14 339 administrative cases have been considered that makes the vast majority of all cases considered by juvenile courts.

Criminal jurisdiction of administrative court is defined by article 290-1 Code of Criminal Procedure RK which also defines that according to the petition of lawful representatives of the minor (*the defendant or the victim*), the case subject to jurisdiction of juvenile court, can be considered by the regional and court equated to it. Thus, for today cases concerning minors and also with their participation are considered by both juvenile courts, and courts of law.

Juvenile courts are authorized to consider cases against minors (namely persons aged up to 18 years) which have reached the minimum age of approach of criminal liability and are accused of commission of criminal offense, except for affairs which fall under jurisdiction of specialized interdistrict courts on criminal cases (that is that which belong to especially serious crimes), specialized interregional military court on criminal cases and Garrison military court.

Besides, courts have jurisdiction over criminal cases with participation of adult defendants under the following circumstances: Criminal cases where at least one participant is a minor, and it is impossible to divide proceedings (except for cases which belong to especially serious crimes or fall under jurisdiction of specialized interregional military courts on criminal cases or garrison military court). Some crimes committed concerning children, namely: the deliberate causing heavy harm to health

made concerning obviously minor (which hasn't led to the death of the victim and isn't made by criminal group); the deliberate causing average weight of harm to health made concerning obviously minor when the criminal realized the fact that the victim was a minor; the sexual intercourse, a sodomy, lesbianism or other actions of sexual nature with the person which has obviously not reached age of 16 years; commission of dissolute actions without use of violence concerning obviously juvenile (except for cases when action is made repeatedly); some cases of involvement of the minor in commission of criminal offenses; involvement of the minor in commission of antisocial actions; involvement of the minor in doing prostitution; some cases connected with trade in minors; substitution of the child; illegal activities for adoption; disclosure of secrecy of adoption; non-execution of obligations for payment of funds for keeping of children; non-execution of obligations for education of the minor; inadequate fulfillment of duties on safety of life and health of children; abuse of the rights of the trustee; illegal evacuation of the minor out of borders of the Republic of Kazakhstan; involvement of minors in production of products of erotic contents. In general in 2014 juvenile courts of the Republic of Kazakhstan have considered 2 782 criminal cases that has made 2,1% of the cases and claims of their total number which have come to courts of the first instance in whole republic (1 221 011).

The committee on legal statistics and special accounting of the Prosecutor General's Office of RK has provided quantitative data on number of the offenses (crimes) committed by minors in 2008-2016.

The majority (70%) of hearings on criminal cases, concerned the minor defendants charged with criminal offenses against property (mainly, theft or a robbery). In structure of crimes of minors in 9 months 2016 growth by all types prevails. In particular, the number of thefts has increased by

211 cases (1251 against 1040), 480 serious crimes are committed that is 156 facts more for the same period of last year, robberies have increased by 78 facts (344 against 266), robberies on 14 cases. We will note growth of number of murders by minors in comparison with the same period of 2015 (13 against 11 cases). From 2064 minors who have committed crimes, 771 (9 months 2015 – 882) are pupils of comprehensive schools, 1095 (9 months

2015-1109) – colleges and 198 (9 months 2015 – 314) higher education institutions. In structure of the persons who have committed crimes pupils of colleges – 53%, school students – 37,3%, students of higher education institutions – 9,6% prevail. 308 Chart 44. The number of the crimes committed by pupils of general education institutions for 2005-2015 and in 9 months 2015, 2016 Source: The Ministry of Internal Affairs of RK

**Table 3** – Information about the minors who have committed offenses (crime) in 2008-2016 and 1 quarter 2017

Регионы	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	1 quarter 2017
Republic of Kazakhstan	110	90	98	111	58	79	151	124	133	205	55
Astana	362	319	318	310	330	313	340	211	127	139	31
Akmola region	150	141	140	162	131	253	182	113	117	104	49
Aktobe region	264	231	222	110	224	225	279	249	204	200	37
Almaty	176	222	221	207	240	261	277	302	232	373	56
Almaty region	110	105	124	87	113	183	160	124	53	137	47
Atyrau region	988	994	863	691	579	702	562	524	321	332	67
EKR	164	198	178	190	261	282	245	181	178	208	37
Zhambyl region	241	201	238	285	230	173	192	146	185	167	35
WKR	589	559	516	458	446	454	447	444	290	306	39
Karaganda region	130	127	129	108	114	152	145	78	100	82	49
Kostanay region	683	682	445	307	323	375	295	294	347	262	59
Kyzylorda region	111	158	149	130	137	106	116	96	75	78	23
Mangystau region	521	383	382	266	260	267	192	169	157	139	12
Pavlodar region	307	243	211	172	144	204	121	93	93	80	11
SKR	336	367	377	331	425	597	533	354	293	463	126
Transp. Reg.	81	54	43	26	35	21	33	31	23	31	5
Military personnel	0	3	0	0	0	0	0	0	0	0	1
Sensitive sites	60	47	28	55	58	23	14	28	16	37	2
<u>In whole republic</u>	5383	5124	4682	4006	4108	4670	4284	3561	2944	3343	741

During 2012-2015 it is observed considerable recession of the number of the crimes committed by pupils of schools from 3875 facts in 2012, till 1200 in 2015, the average annual rate of decrease in crime among school students in 2012-2015 is 25,4%. For timely identification and suppression of the facts of illegal manifestations among minors, exchange of operational significant information between divisions of the Ministry of Internal Affairs on identification and control of offenses, identification of the facts of extortion and collecting money among mi-

nors is carried out. As a result of the held events in the current year more than 85 thousand minors from which more than 69 thousand for administrative offenses (Electronic resource: 11) are brought to law-enforcement bodies.

For years of the work juvenile courts have proved the viability. Hearing of cases concerning minors by specialized courts promotes more careful research of materials, individualization of approaches at assignment of punishment. Juvenile court has to be recognized as a new form of legal proceedings which dis-

tinctive signs are withdrawal from retaliatory methods of justice concerning minors, broad use of recovery justice where it is important not to punish, and to re-educate. As the statistics shows, in comparison with 2013 the number of the minors condemned by juvenile courts was reduced by 33%. In general, the number of minors justified by these courts has increased almost three times with 39 to 115. Every second case has been dismissed by proceeding, including with application of conciliatory procedures. The number of the cases finished as mediation (12% against 4,7% in 2013) has increased for 7,3%. The comparative analysis of statistical data indicates that juvenile courts in most cases imposed to the condemned persons measures which aren't connected with imprisonment (55,8%). 15,4% are condemned to imprisonment and conditional condemnation is applied to 13,5% of convicts (Electronic resource: 12).

For comparison: the regional and equated to them courts have imposed measures which aren't connected with imprisonment, only in 38,6% of cases, condemned to imprisonment – 38,6% and conditionally condemned – 18,2% of persons. As for practice of assignment of punishment to the minor, in 2014 the republic courts of the first instance (including juvenile) have imposed measures to minors, which aren't connected with imprisonment concerning 43,5% people, imprisonment – 15,9%, conditional condemnation – 16,7%. In 2013 the se indicators were accordingly 42,1%, 19,5% and 15,1% (Electronic resource: 13).

The Supreme Court estimates quality of work of juvenile courts as conforming to qualifying standards and being up to standard.

Problems of work of juvenile courts.

An essence of juvenile justice and first of all juvenile justice consist, mainly in providing the qualified and specialized legal aid to the minor. At the same time existence of Art. 290-1 of the Code of Criminal Procedure of RK allows to submit the case with participation of the minor to courts of law where the specifics of the subject (offense and the dissatisfied party) will be considered only when imposing collecting, according to standards of the Criminal Code of Kazakhstan. At the same time it is necessary to remember experience of foreign countries, for example, Germany or France (which has formed the basis of formation of juvenile justice of RK) where all cases with participation of minors unconditionally are subject to consideration in juvenile courts, as does a justice system equal for all and provides access for minors to justice.

The Supreme Court is the supreme judicial authority on civil, criminal and other cases,

jurisdictional local and other courts, carries out functions of cassation instance in relation to them and makes explanations concerning jurisprudence by means of adoption of standard resolutions (Electronic resource: 14).

According to item 2 of Art. 17 of the Constitutional law the Supreme Court is authorized:

1) to consider lawsuits and the materials carried to its jurisdiction;

2) to study jurisprudence and following the results of it generalization considers questions of respecting the rule of law at administration of justice by courts of the Republic;

3) to adopt standard resolutions;

3-1) together with the Supreme Judicial Council to form a personnel pool at a position of the chairman of district court, the chairman and chairmen of judicial boards of regional court, the judge and chairmen of judicial boards of the Supreme Court;

4) to carry out the powers provided by the law.

The Supreme Court performs methodical management, also adopts standard resolutions which according to the Law of RK "About Legal Acts" of April 6, 2016 No. 480-V belong to the main regulations and are source of law in force. At the same time, for today, the unique statutory act on the interested sphere is the Standard resolution of the Supreme Court of the Republic of Kazakhstan of April 11, 2002 No. 6 "About jurisprudence on cases of crimes of minors and of their involvement in criminal and other antisocial activity" (with changes and additions as of 4/21/2011) which is aimed at "providing the correct and uniform application of the criminal and criminal procedure legislation of the Republic of Kazakhstan regulating responsibility of minors and an order of legal proceedings concerning them" (Electronic resource: 15).

This Standard resolution was accepted in 2002, and the last changes were made to it in 2011, that is during the pre-reformation period when there was no system of juvenile courts yet and old practice of involvement of minors to responsibility worked. Whereas modern practice has undergone serious changes and its analysis, in our opinion, is necessary. Just as acceptance of certain methodical managements is necessary for judges of juvenile courts at the choice of alternative types of punishments for minors and to their subsequent maintenance in places of detention or after departure of punishments in them;

3. Personnel policy of juvenile courts.

Specialization of judges of juvenile courts has to be fixed legislatively by introduction of the concept "juvenile judge" – as the person fulfilling the duties

on a professional basis, is 30 years old, which have reached age having the higher legal education and special preparation in the sphere of children's psychology and specially given authority to carry out justice on cases in which participant is the minor and (or) representatives of his rights and legitimate interests.

Then according to statistical data in the republic at 19 juvenile courts the general number of judges staff of juvenile courts is 57 units, as of March, 2015 54 judges actually carry out justice. From the specified number:

- 10 judges or 18,5% have a judicial experience more than 15 years;
- 11 judges or 20% -more than 10 years;
- 13 judges or 24% – over 5 years (*from 5 to 9 years*);
- 20 judges or 37% have an experience up to 3 years.

Thus, only 8 judges or 14,8% of total number in addition to legal have the pedagogical education assuming ability and skills of work with children (Electronic resource:16).

The constitutional Law of RK “About Court and the Status of Judges” doesn't establish special or additional requirement for judges of specialized courts including juvenile. Respectively, now at staff recruitment on occupation of vacancies to a position of the juvenile judge existence of pedagogical or psychological education isn't required.

The Beijing rules don't establish as the mandatory requirement the existence of pedagogical or psychological education of the judge. At the same time, in rules it is emphasized that the specifics of modern approach consist in determination of ability of the child to transfer the moral and psychological aspects connected with criminal liability, that is definition of a possibility of involvement of the child, owing to specific features of his or her perception and understanding, to responsibility for obviously antisocial behavior, that in itself demands from the judge the existence of not only own life experience, but also existence of a certain vocational training. Judges, so the Judge of the Supreme Court Mrs. Galia Akkuova also come to this conclusion having summed up the results of work of juvenile courts: “in view of features of the organization of trials with participation of minors, at appointment of judges to positions of juvenile courts the professional and life experience, skills of communication with children is considered, existence of the second pedagogical education is desirable. Judges of juvenile courts subsequently pass the special program of training to Academies

of justice at the Supreme Court” (Electronic resource:17).

Item 22.1 United Nations standard minimum rules concerning administration of justice concerning minors (The Beijing rules) establishes that for providing and maintenance of necessary professional competence of all personnel which are engaged in affairs of minors it is necessary to use vocational training, training in the course of work, courses of retraining and other corresponding types of training.

The sociological survey conducted among judges of juvenile court of the republic shows, that most (71%) of the judges of SMSDN answered Internet survey, haven't received any special vocational training on criminal cases with participation of minors before they have begun to work in this sphere. In the same way, 74,2% of judges haven't received any special vocational training concerning administrative or civil cases with participation of minors prior to the work with such cases (Alimbekova G., 2013: 18). The vast majority (93,5%) of judges of JC who participated in Internet survey, consider that additional specialized preparation will be useful to them. Most of respondents – judges of JC also consider that they need advanced training courses and a training on studying of positive international experience in hearing of cases of minors.

The academy of public administration at the President of Kazakhstan (“Academy”) has reported that the main reason of lack of a specialized course of training for the judges working in the system of juvenile justice consists in that this category of judges represent small group in comparison with other categories of judges and that cases with participation of minors are considered not only in JC, therefore judges from other courts have also an interest to receive preparation in this area. Thereof, the Academy conducts obligatory advanced training courses for all effective judges, at least, once in each 5 years. On the available data, duration of these courses – two weeks, at the same time it have been marked that 50% of judges have such training, at least, once in each three years. A small amount of time, approximately from two to four hours from this course, is devoted to the rights of children and covers the following subjects: crimes against family and minors; the crimes committed with participation of minors; criminal liability of minors; implementation of provisions of the legislation on marriage and family; cases of the international adoption. However, this component concerning the rights of the child isn't mentioned in the curriculum regulating the schedule of study and the program

of training for effective judges. As the number of the judges working in JC increases, the Academy has reported that, the specialized course, perhaps, will be carried out in 2015. The first specialized advanced training courses have been conducted by Academy of public administration only in 2017.

Respectively, there was an internal conviction of judges about need of additional preparation which demands permission by creation of mechanisms:

1) receiving additional education for already effective judges who were in time to accumulate serious experience with minors; by means of increase in courses of qualification with introduction to the program of specialized courses of children's psychology, pedagogics, psychology and pedagogics of deviant behavior of minors and also courses on studying of foreign experience of hearing of cases of minors and knowledge international the NLA;

2) further, we find possible introduction to the current legislation of the concept "juvenile judge" as the person fulfilling the duties on a professional basis, is 35 years old, which have reached age having the higher legal education and special preparation in the sphere of children's psychology and specially given authority to carry out justice on cases in which participant is the minor and (or) representatives of his rights and legitimate interests.

4. The completeness of juvenile courts with service of teenage psychologists is a guarantee of really qualified consideration of the case taking into account age features of the subject. "Practice of court shows the need of participation of the psychologist for trial by hearing of cases, connected with minors. Involvement of the psychologist to process of hearing of cases yields big results, psychological characteristics of the teenager and his environment reveal. Also psychologists make offers on measures necessary for prevention of offenses made by the minor, in the subsequent, they offers ways of adaptation and correction of his behavior. Thus, psychologists actually render to court the consulting help in understanding of the identity of minors and also participate in process of his re-education" (Razzak N., 2017: 19).

According to the Rule 16 of Beijing Rules it is required that the relevant social services have been involved in all criminal cases with participation of minor defendants to provide the report on results of social inspection concerning circumstances of life of the child and offense to assist court in decision about the corresponding punishment. Implementation of this rule has demanded introduction of a position of the psychologist to republic JC. "Since July 1, 2014 in juvenile courts non-staff unit of the inspector-

psychologist (work on the contract) is entered. Now in all juvenile courts there work psychologists, except for juvenile court Southern Kazakhstan, where the psychologist is in case of need invited from the relevant organizations. Also in all juvenile courts special offices have been allocated, which are equipped and issued for comfortable communication of the child with the psychologist, except for juvenile court No. 2 of the Almaty and Karaganda regions in which this issue is handled (Electronic resource:16).

At the same time, survey of judges of JC has shown that psychologists practically never visit hearing of cases about administrative offenses (in 95% of cases) and do not always visit court sessions on hearing of cases on criminal cases.

Limited presence of psychologists hearings of cases with participation of minors can be explained by the fact that according to the internal law, their presence isn't obligatory at all hearings of cases of JC. In the legislation of Kazakhstan there is no requirement according to which psychologists have to assist in all cases of administrative offenses in JC, namely participation of 'psychologist' or 'teacher' is required only at survey of the minor witness who hasn't reached age of fourteen years.

As for hearings on criminal cases, presence of the psychologist or teacher is obligatory only "by proceedings of the procedural actions with participation of the minor suspect, defendant, defendant which haven't reached sixteen-year age and also reached this age, but having signs of lag in mental development". However, even when the minor defendant is younger than 16 years, a smaller part of judges has reported that the psychologist does not always present at all hearings as they believed that it isn't required under the law.

Similarly, in the current legislation there is no requirement of providing the report on results of social inspection to help the judge to make the decision on punishment in criminal cases. According to the Code of Criminal Procedure conducting complex psychologic-psychiatric examination is obligatory to give the report to the actions only for determination of ability of the suspect, the defendant and to direct them in the situations established on cases, his sanity, presence (absence) of a mental disorder at him. This requirement, results from the article 15 (3) of the Criminal code of RK in compliance with which release from criminal liability is provided if the minor has reached the minimum age of criminal liability, but owing to lag in the mental development which isn't connected with a mental disorder, during commission of criminal offense

couldn't realize fully the actual nature and public danger of the actions (inaction), or direct them. In other cases, purpose of psychological examination of the minor is carried out at the discretion of court (Art. 239 of UPP RK). Besides, from the law not clearly as these psychological reports have to be considered in adoption of the decision by court and what significance the court has to attach to the opinions and/or recommendations stated in them.

Experience of Germany shows that existence of pre-judicial work of the psychologist (the juvenile inspector) provides substantial assistance to the judge at adoption of the correct decision taking into account psychological features of the minor and his vital circumstances.

1 rate of the psychologist in JC who considers on several hundred of cases a day isn't a solution, even taking into account that some NGO renders psychological services to JC ("Institute of the equal rights and equal opportunities of Kazakhstan" in Almaty, Private Institution "Positive development" in Karaganda and the Center of "Sana Sezim" in Shymkent).

The domestic system of psychological assistance to the teenagers who have appeared in a difficult life situation leaves much to be desired. This statement is right and taking into account that from psychologists it isn't required to have specialized training on work with cases of minors prior to work in this area, and regular specialized preparation during such work to participate in the cases considered by JC.

## Conclusions

1. On the basis of the analysis of the current state of juvenile justice system of the Republic of Kazakhstan we consider what is necessary pass to the following round of development which realization is possible by acceptance and realization 2 Concepts of development of juvenile justice of the Republic of Kazakhstan. It has to contain:

- accurate determination of the principles and priorities of development of juvenile justice which have to be formulated on the basis of the long-term forecast of development of a condition of children's crime and crime against minors;

- the program of further reforming of law-enforcement, judicial, executive systems, with inclusion of the next long-term plans of law-making

activity in the sphere of protection of the rights, freedoms and legitimate interests of children;

- package of measures for formation of service of psychological support, state support of juvenile legal profession and legal aid;

- package of measures of protection of all complex of the rights, freedoms and legitimate interests of minors in the course of interaction with law-enforcement and judicial systems;

- providing and guarantees of interaction of bodies of juvenile justice a boundary, with other bodies and levels of public administration, non-governmental organizations and the international communities;

- creation of uniform system and mechanisms of the state and public control over activity of bodies of juvenile justice;

- package of measures for creation in Kazakhstan of full-fledged system of prevention and prevention of children's crime, including educational, medico-psychological correction;

- package of measures for creation in Kazakhstan of full-fledged system of rehabilitation and socialization of the minors serving sentence for illegal acts;

- package of measures for development of the probation concerning minors based on individual approach taking into account psychological, physical, intellectual development, learning ability, ability to socialization and also taking into account age standards;

- package of measures for counteraction (prevention and prevention) of crime against minors;

- package of measures for further improvement of the criminal procedure and criminal and executive legislation and practice of its application, including directed to introduction special juvenile to technology in all process of work with children with deviant behavior.

All these measures have to be under construction on the principles:

- priority of the rights and freedoms of children;
- legality;

- publicity of activity of juvenile bodies at full information security about children;

- realness and orientation to achievement of the end results;

- scientific validity;

- legitimacies.

## References

- Report on position of children. 2016.
- G. Suleymenova. About the prospects of creation of juvenile justice system in the Republic of Kazakhstan//[https://online.zakon.kz/Document/?doc\\_id=37695378#pos=0;0](https://online.zakon.kz/Document/?doc_id=37695378#pos=0;0)
- Melnikova E.B. (2001) Juvenile justice. Problems of criminal law, criminal trial and criminology: studies, grant. – M.: Business. – Page 89.
- Karnozova D. Yu. Juvenile justice: contents, concept.//Questions of juvenile justice. 2007. No. 4(18). Page 4  
«The prison nation» of Kazakhstan. Electronic resource]. – Access mode: <http://expertonline.kz/a12428/>
- Kazakhstan – 2030 Prosperity, safety and improvement of welfare of all Kazakhstan citizens//[http://adilet.zan.kz/rus/docs/K970002030\\_](http://adilet.zan.kz/rus/docs/K970002030_)
- The decree of the President of the Republic of Kazakhstan of February 4, 2012 No. 266 “About formation of specialized inter-district courts for minors and introduction of amendments to some decrees of the President of the Republic of Kazakhstan”
- The analysis of activity of specialized interregional courts for minors [An electronic resource]. – Access mode: [sud.gov.kz/.../analiz\\_deyatelnosti\\_spezializirovannyh\\_mezhrayonnyh\\_sudov\\_po\\_del](http://sud.gov.kz/.../analiz_deyatelnosti_spezializirovannyh_mezhrayonnyh_sudov_po_del).
- The research opinion about administration of justice on civil cases courts of the republic for 2015. [Electronic resource]. – Access mode: <http://sud.gov.kz/rus/content/za-2015-god>
- The research opinion about administration of justice on criminal cases of the republic by courts for 2015. [Electronic resource]. – Access mode: <http://sud.gov.kz/rus/content/za-2015-god>  
<https://www.bala-kkk.kz/sites/default/files>
- Committee on legal statistics and special accounting of the Prosecutor General’s Office of RK//<http://qamqor.gov.kz/portal/page/portal/POPageGroup/MainMenu>
- The analysis of the Supreme Court of RK about activity of specialized interregional courts for minors. Astana 2015.
- Constitutional law “About Court and the Status Court” of December 25, 2000 No. 132-II. Electronic resource]. – Access mode: [https://online.zakon.kz/Document/?doc\\_id=1021164#pos=316;-198](https://online.zakon.kz/Document/?doc_id=1021164#pos=316;-198)
- An electronic resource – the access Mode: <http://sud.gov.kz/rus/legislation/CAT01/79692/2002>
- The analysis of activity of specialized interregional courts for minors for 2015 [An electronic resource]. – Mode dostupa:[sud.gov.kz/.../analiz\\_deyatelnosti\\_spezializirovannyh\\_mezhrayonnyh\\_sudov\\_po\\_del](http://sud.gov.kz/.../analiz_deyatelnosti_spezializirovannyh_mezhrayonnyh_sudov_po_del).
- In what advantages of the Kazakhstan juvenile courts?/[Electronic resource]. – Access mode: [https://bnews.kz/ru/analysis/reviews/v\\_chem\\_preimushchestva\\_kazahstanskih\\_uvenalnih\\_sudov](https://bnews.kz/ru/analysis/reviews/v_chem_preimushchestva_kazahstanskih_uvenalnih_sudov)
- Alimbekova G. The report by results of poll of judges of specialized interregional courts for minors.
- N. Razzak. As juvenile courts in Kazakhstan//work with <https://vlast.kz/obshestvo/13464-kak-rabotaut-uvenalnye-sudy-vkazahstane.html>