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THE RIGHTS OF THE CHILD IN KAZAKHSTAN: PRIORITY AREAS OF STATE SOCIAL POLICY

Abstract

This article raises an important topic about the rights of children, as a priority direction of state policy. The authors tried to understand how the rights of children are ensured in Kazakhstan today. The relevance of the topic is explained by the fact that the number of children in the country is 1/3 of the population. In addition, the President of Kazakhstan K.K. Tokayev, in his New Year's speech to the people, declared 2022 the Year of Children.

The article examined the key areas of social policy. A review was also made of the effectiveness of social measures to protect the rights of children and what difficulties exist today in this area. The authors analyzed the main problems of ensuring the rights of children in Kazakhstani society, such as violence against children, poor development of inclusive education, lack of kindergartens and schools, as well as gaps in legislation. The article also notes the main achievements that were made during the "Year of Children".

Keywords: children's rights, social policy, protection of the rights of the child.

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ҚАЗАҚСТАНДАҒЫ БАЛА ҚҰҚЫҚТАРЫ: МЕМЛЕКЕТТІК ӘЛЕУМЕТТІК САЯСАТТЫҢ БАСЫМДЫҚ БАҒЫТТАРЫ

Аңдатпа

Бұл мақалада мемлекет саясатының басым бағыты ретінде бала құқықтары туралы маңызды тақырып көтерілген. Авторлар бүгінгі күні Қазақстанда балалар құқығы қалай қамтамасыз етілгенін түсінуге тырысты. Тақырыптың өзектілігі еліміздегі балалар саны халықтың 1/3 бөлігін құрайтынымен түсіндіріледі. Сонымен қатар, Қазақстан Президенті Қ.Қ. Тоқаев халыққа арнаған жаңа жылдық жолдауында 2022 жылды «Балалар жылы» деп жариялады.

Мақалада әлеуметтік саясаттың негізгі бағыттары қарастырылды. Сондай-ақ балалардың құқықтарын қорғауға бағытталған әлеуметтік шаралардың тиімділігі және бүгінгі таңда бұл салада қандай қиындықтар бар екендігі туралы шолу жасалды. Авторлар балаларға қатысты зорлық-зомбылық, инклюзивті білім берудің нашар дамуы, балабақшалар мен мектептердің жетіспеуі, сондай-ақ заңнамадағы олқылық сияқты қазақстандық қоғамдағы балалардың құқықтарын қамтамасыз етудің негізгі мәселелеріне талдау жасаған. Мақалада «Балалар жылында» қол жеткізілген негізгі жетістіктер де атап өтілген.

Түйін сөздер: бала құқығы, әлеуметтік саясат, бала құқығын қорғау.

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ПРАВА РЕБЕНКА В КАЗАХСТАНЕ: ПРИОРИТЕТНЫЕ НАПРАВЛЕНИЯ ГОСУДАРСТВЕННОЙ СОЦИАЛЬНОЙ ПОЛИТИКИ

Аннотация

В настоящей статье поднимается важная тема о правах детей, как о приоритетном направлении государственной политики. Авторы попытались понять, как на сегодняшний день обеспечиваются права детей в Казахстане. Актуальность темы объясняется тем, что количество детей в стране составляет 1/3 населения. К тому же Президент Казахстана К.К. Токаев в своем новогоднем обращении к народу объявил 2022 год «Годом детей».

В статье были рассмотрены ключевые направления социальной политики. Также был проведен обзор эффективности социальных мер защиты прав детей и какие существуют на сегодняшний день сложности в данной сфере. Авторы проанализировали основные проблемы обеспечения прав детей в казахстанском обществе, как насилие в отношении детей, слабое развитие инклюзивного образования, нехватка детских садов и школ, а также пробелы в законодательстве. Также в статье отмечены основные достижения, которые были сделаны за «Год детей».

Ключевые слова: права детей, социальная политика, защита прав ребенка.

INTRODUCTION

Head of State K.K. Tokayev in his New Year's address to the people of Kazakhstan, declared 2022 the Year of Children: “Particular attention should be paid to children. Their well-being is a reliable guarantee of the successful future of our state. Therefore, I believe that next year should be declared the Year of Children. This is not about slogans and festive events, but above all, about specific measures on the part of the authorities in the field of health, education, social security in order to protect children. The harmonious development and happy childhood of the younger generation is our national task” [1]. In this article, we will try to analyze what has been done over the past year to improve the state of children's rights in Kazakhstan. But first you need to understand how it was before. That is, how are the rights of children ensured in Kazakhstan and what problems exist in this area?

RESEARCH METHODOLOGY

The article uses a logical method, a structural-functional method and a documentary method. The structural-functional method is applied in the analysis of the content of social policy, the definition of its subjects, the levels of social policy and the functions of social policy and its subjects at different levels: national (central), regional and local. The logical method is applied in identifying cause-and-effect relationships, analyzing problems and their solutions.

Documents tend to be an important source of information, and their analysis has become widespread in research. Researchers analyze documents in order to see many important aspects of social life and their traditions and values inherent in a certain society in a certain historical period, to get the information to describe certain social structures, to follow the dynamics of interaction between various social groups and individuals, etc. e. Analysis of the existing legislation, conceptually significant documents in the field of national law, children's rights made it possible to identify problems that hinder the provision of children's rights in full.

RESULTS AND DISCUSSION

The raised topic of the article is relevant for a young state, where in general, the number of children is 1/3 of the population of Republic of Kazakhstan. According to the Bureau of National Statistics, there

are 6,485,507 children living in Kazakhstan today. This is 2 million more than in 2011 (Figure 1). Of these, 51.5% are boys, 48.5% are girls. Most of all children live in the Turkestan and Almaty regions and in Almaty, the least of all - in the North Kazakhstan, Pavlodar and Kostanay regions [2].

Children from 0 to 17 years old

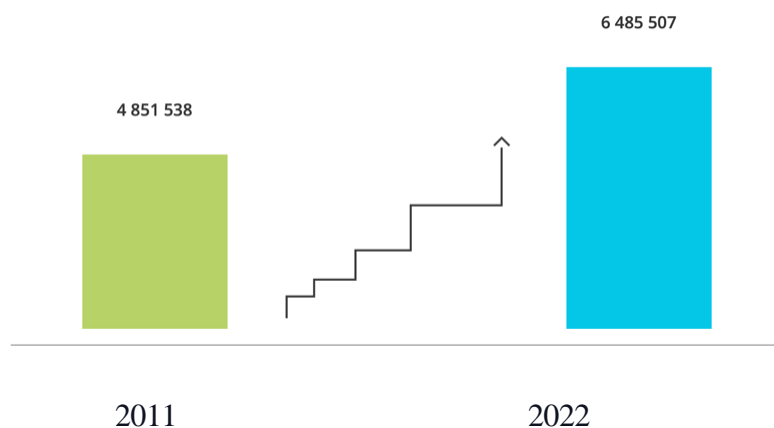


Figure 1. Children aged 0-17 in Kazakhstan in 2011 and 2022.

Also, the relevance of the topic is due to the fact that one of the main directions of the national policy of the Republic of Kazakhstan is the protection of the rights of children and the protection of their legitimate interests. Improving the quality of life of society, of course, is primarily aimed at improving the children's quality of life. Because human rights begin with protecting the rights of children. There is a law that protects the life, health and peace of a person from the moment of his birth. And that law is the Constitution. In addition, in June 1994, Kazakhstan signs the "Convention on the Rights of the Child", and on the basis of it, the "Law on Children in Kazakhstan" was adopted. According to the latest data, 190 countries of the world have ratified the Convention on the Rights of the Child. This fact suggests that this Convention is the first treaty in the world that has ever been ratified by all countries of the world. It is also important to note that, for the first time in history, a special committee was created to monitor the implementation of the provisions of the convention on the rights of the child. It is called the International Committee on the Rights of the Child. Every 5 years, all countries of the world submit to this committee their reports on the measures they have taken to implement the provisions of the convention.

Children, like adults, have basic rights such as respect, integrity and human dignity, and from the moment a child is born, they have the above rights. The rights of the child in Kazakhstan are reflected in civil, family and other areas of law. To date, Kazakhstan has adopted over 45 normative legal acts regulating the rights and guarantees of children and adolescents. The main ones are the decrees of the President of the Republic of Kazakhstan "On the state program Health of the people", "On the state program Education", the order of the President "On the concept of the state youth policy of the Republic of Kazakhstan", the laws of the Republic of Kazakhstan "On marriage and family", "On education", the Code " About administrative offenses [3].

The protection of the rights of the child ensured through the concerted action of the government, non-governmental organizations and the public. They share a purpose of developing the child's rights in order to form a full-fledged and harmoniously developed personality, and to promote their consolidation in legislation.

The state social policy of Kazakhstan ensures the full-fledged physical, social, spiritual, moral, intellectual development of the child in accordance with the norms of the Constitution of the Republic of Kazakhstan and international treaties.

Providing social and legal guarantees of the quality of children's life, the state takes all possible measures to implement state policy in this area. But, unfortunately, there are still acute problems that

must be solved in the near future. Issues such as violence against children, poor development of inclusive education, lack of kindergartens and schools, gaps in legislation, etc. are often raised in society.

Violence against children

- The concept of violence against children refers to all types and forms of violence that are perpetrated by parents or other adults, and even by peers or strangers, against people under 18 years of age. According to UNICEF, up to 1 billion children aged 2 to 17 years in 2021 worldwide experienced physical, sexual or emotional abuse.

- Child abuse has lifelong consequences for the health and well-being of children, families, communities and countries. Violence against children can:

- Lead to death. Homicide, often committed with weapons such as knives and guns, is one of the top three causes of death for teenagers, with boys accounting for over 80% of victims and perpetrators.

- Cause serious injury. For every murder, there are hundreds of victims of youth abuse (overwhelmingly male) who are injured in fights and assaults.

- Affect the development of the brain and nervous system. Violence experienced at an early age can lead to impaired brain development and have lifelong negative effects on other parts of the nervous system, as well as on the endocrine, reproductive, musculoskeletal, respiratory and immune systems. In this regard, violence against children can have a negative impact on cognitive development and affect academic and professional success.

- Influence opportunities and future generations. Children exposed to violence and other disadvantages are more likely to drop out of school and have difficulty finding and staying in a job. They are also more likely to be victims of and/or perpetrate interpersonal and self-violence violence later in life, and in this regard, violence against children may have an impact on future generations.

According to the latest data, in Kazakhstan, up to 40% of violence against children occurs in the family itself, and 38% - in schools and kindergartens. But not everyone knows about it, because not everyone has access to objective information. Since the results of a recent survey show that out of 220 surveyed specialists in different regions of Kazakhstan, only 5.4% have access to such information. That is, 94% of experts are denied access. It is also important to note that the results of a sociological survey conducted among children show that on average 3.3% of children experience abuse on a regular basis, and 16.3% - often, more than half of 66.6% - sometimes and only 13.8% - never become objects of violence. In addition, 100% of the victims of violence are, so to speak, "street" children. Of these, 70% are subjected to violence on a regular basis. Also, children living in boarding schools are regularly subjected to violence - 11.7%, 70.6% - sometimes. Children from the orphanage: 28.9% are abused regularly, 63.2% - sometimes. In the Center for Adaptation for Minors, children are subjected to violence regularly 27.8%, and 52.8% sometimes. Children also note that they are attacked mainly by older and stronger guys - 44.5%; - parents and relatives - 23.9%; - even police officers - 9.6%; - teachers and educators - 9.6%; - and only 4.2% are hooligans, bandits [4].

According to part 2 of Art. 67 of the Marriage and Family Code, the child has the right to be protected from abuse by parents or persons in their stead [5]. In our opinion, for non-compliance with this norm, legal liability is not provided for in the legislation of the Republic of Kazakhstan, which hinders the exercise of the child's right to protection. This is because ensuring the rights of the child depends on the age of the child. Since a small child will not be able to use to the authorities. Because children try to hide the facts of violence, fearing that they will be taken away from their parents and placed in a children's home. The circumstance noted by us requires its legislative permission.

Weak development of inclusive education.

The development of inclusive education in society makes it possible for children with special needs to receive a high-quality and meaningful curriculum. Thus, inclusive education will improve the overall quality of life of these children and create a solid foundation for their future. Recently, the state educational policy has raised the issue of developing inclusive education in order to give equal access to quality education for everyone, regardless of age, health status. Kazakhstan's commitment to the values of inclusive education is reflected in a number of strategic documents. The State Program for the

Development of the Education System of the Republic of Kazakhstan for 2016-2019 (SPDES) provides for an increase in the number of general education schools that have created conditions for the inclusion of children with special needs, from 30% to 70% by 2020. However, to date, the national mechanism for assessing the development of inclusive education remains undeveloped [6].

Without a doubt, Kazakhstan has made great progress in the education system over the years of independence. And the next logical step is the full-scale development of inclusive education. The plans of the National Scientific and Practical Center by 2025 are to develop inclusive education in the country and cover 70 percent of all preschool organizations, moreover to bring it to 100 percent in universities and colleges.

The biggest difficulty in the development of inclusive education is that it is difficult to train high-quality teaching staff who meet all the criteria for inclusive education. In Kazakhstan, the shortage of these personnel is growing every year due to the unpopularity of such specialties. In addition, the process of retraining such specialists in the field of education is slowly going on.

In Kazakhstan, for an effective transition to high-quality inclusive education, the following problems have to be solved:

- provide teachers with effective methodological support;
- to promote the formation of a tolerant attitude towards children with special needs in all areas, both at school and outside the classroom;
- resolve the issue of training new personnel and retraining existing personnel;
- develop a special requirement and instructions for professionals involved in inclusive education.

Lack of kindergartens and schools

This problem exists throughout Kazakhstan, and is already acutely felt in megacities. And in the future, the state may face a shortage of land. In the meantime, the price of not only land, but also the construction itself is growing. In Almaty and Astana, the pace of construction of schools, kindergartens and polyclinics is already 3 times behind. An acute problem in Mangistau is the lack of student places. Three-shift education has not yet been eliminated in the region. Meanwhile, every year the number of first-graders is increasing, which means that the need for schools will only increase. The state land fund with infrastructure is running out. Therefore, the government needs to reconsider approaches to the development of master plans for cities. It is necessary to provide for uniform construction of housing and social facilities.

Consider the example of the largest city of Almaty. Today, there are 866 kindergartens in Almaty, 193 of which are state-owned. “We are taking a set of measures to reduce the waiting list in kindergartens. For example, in the first half of the year, 54 new private kindergartens for 3,316 places were opened in Almaty. By the end of the year, it is planned to open another 15 private preschool organizations for more than 2,000 places and to commission a state kindergarten for 280 places,” said Lyazzat Zhylykybayeva, head of the city’s Department of Education [7]. By the end of the year, it is planned to commission 18 secondary education facilities for 13,820 places. These are five schools for 7500 places in the microdistrict. Kalkaman-2, Kairat, Darkhan, Madeniet, Nurkent. Schools No. 48, 191, 125, 146, School No. 9 will be expanded, due to which an additional 1270 places will appear. They will buy out two buildings for 1800 places in the Bostandyk and Nauryzbay districts and open 6 schools for 3250 places at the expense of private investment.

It is considered an important step that Almaty has developed the Rules for the formation of the architectural appearance and urban planning, within the framework of which the construction of multi-storey residential complexes requires the mandatory presence of schools within walking distance, taking into account the expected population density.

Gaps in the legislation

The main shortcoming of the legislation of the Republic of Kazakhstan on the rights of children is the absence or incompleteness of implementation mechanisms of a number of specific norms, which leads to their non-fulfillment. Including in the field of rehabilitation of disabled children, ensuring a living wage, free healthcare services, etc. Part of the legal norms provided for by the current legislation is not fully implemented even if there are clear implementation mechanisms.

It is proposed to create a special independent body for the protection of the rights of the child, not only for a particular country, but also in the United Nations system. The High Commissioner for Human Rights at the UN has already successfully established itself, why not create the same position only for the rights of the child. One of the main tasks of this body will be to respond early and quickly to violations of the child's rights and warn UN bodies about this before a particular violation becomes more widespread.

In connection with the existing difficulties in the mechanism for protecting the rights and interests of children in the republic, the departments for the protection of the rights of children of the city of the region (city) of the Committee for the Protection of Children's Rights of the Ministry of Education and Science of the Republic of Kazakhstan need to intensify their efforts to address existing problems and tasks related to the rights of the child, one of which is the creation of a sustainable public attention to the problems of protecting children's rights and coordinating the efforts of state structures, non-governmental, international organizations and the media in the formation and implementation of state policy in the interests of protecting children's rights.

Given the short period (since 2016) of the activity of the institution of the Commissioner for Children's Rights in the Republic of Kazakhstan and the substantiated scientific research of domestic scientists, it is necessary to raise its status at the legislative level by adopting a special, as we believe, constitutional law on it, and to resolve those problems that would have a direct impact on his capacity:

- fix its status in the Constitution of the Republic of Kazakhstan and a special law of the country;
- determine the right to initiate legislation to the institution of the Commissioner for Children's Rights in Kazakhstan within the framework of its authorized activities;
- to determine the financial independence of this body.

To this end, it is necessary to make changes and additions, first of all, to the Budget Code of the Republic of Kazakhstan, defining the republican budget as a source of financing, and in terms of some targeted budget programs - local budgets. Corresponding legal indicators must also be fixed in the laws on the republican budget for the corresponding periods.

In addition, in the format of the activities of the Commissioner for Children's Rights, it is advisable to conduct a detailed monitoring of the legislation of the Republic of Kazakhstan in order to identify legal norms that are in conflict with the Constitution of Kazakhstan, and such, unfortunately, take place, international standards and modern state priorities.

Appropriate monitoring should also be carried out within the framework of bilateral treaty obligations ratified by the Republic of Kazakhstan. This is due to the fact that many of the provisions that, in accordance with Art. 4 of the Constitution of the Kazakhstan, priority over the laws of the country, are not actually implemented. Similar actions are necessary in relation to international norms of law approved by the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan. Without such legislative measures, it will be impossible to effectively carry out the activities of the institute for the protection of children's rights in Kazakhstan.

2022 is the year of children in Kazakhstan

On October 22, 2020, during the fourth meeting of the National Council of Public Trust, Head of State Kassym-Jomart Tokayev instructed to develop and implement the Child Welfare Index from 2022 as a national monitoring mechanism. Since the beginning of 2022, for the first time in the country, the Child Wellbeing Index (CWI) has been developed by the government. There is an active process of its implementation. The CWI is designed to assess the well-being of children and the effectiveness of national policies aimed at creating conditions for children in various areas. The introduction of the index of well-being of children in Kazakhstan makes it possible to timely identify constraints to the effective implementation of measures in various areas aimed at improving the situation of children by regions, taking into account the opinions of children and parents/legal representatives. The index consists of objective and subjective data, the source of which is the official statistics of the Republic of Kazakhstan, the results of a population survey.

130 kindergartens for 9.4 thousand places have opened in Kazakhstan, which is more than a third of all kindergartens in the country. The conditions for admission to colleges have changed, the number of

grants to universities has increased. A free food program for younger students was also developed. By the end of 2022, children's school buses will also begin to travel on domestic roads. Recently, the first public transport produced in Kazakhstan was tested. In total, within the framework of the Year of Children, for the first time, the fleet of school buses is being renovated on a large scale - 515 school buses are purchased by local executive bodies. The goal of creating and modernizing the existing school bus fleet is to provide safe and comfortable transportation to and from school for almost 26 thousand children from more than 1.3 thousand settlements of the country. In general, monitoring of the quality of schools, sections, etc. has intensified.

CONCLUSION

In conclusion, I would like to note that ensuring the safety of children in Kazakhstan largely depends on a comprehensive solution of many factors, while the environment surrounding the child plays a decisive role. And such an environment is created by a society and a state in which upbringing and family values, the level of health, education, culture, morality of the population largely contribute to the formation and development of the worldview of the younger generation on the one hand. On the other hand, social satisfaction, coupled with favorable socio-economic conditions of the country's population, largely contribute to reducing the level of crime in the population and inevitably reduce the number of crimes against young children.

The Office of the Superintendent of Children's Rights is actively working to identify flagrant violations in child care facilities. Cases of supply at inflated prices and short supply of food, household chemicals, clothing, various works and services have been established. In addition, there are facts of embezzlement of budgetary funds intended for feeding orphans, and the money of the orphans themselves, which they receive in the form of state benefits and social assistance.

Therefore, when we talk about the fight against violence, we must be aware of the reasons why it is becoming more common in our society. And the reasons lie in upbringing and education. Of course, the work of the police, prosecutors, courts, psychologists is important, but this is work with the investigation. And tomorrow there may not be enough police officers and psychologists to protect children and even women. Therefore, the causes must be eradicated! How? By creating opportunities for children to become who they want to be. Believe me, no one in childhood dreams of growing up and beating wives and children, committing violence, stealing. They become like that. We need to change the system, change the conditions in which our children grow up. And when they grow up, they will create a society where violence will be unacceptable.

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ШЕТЕЛДІК БҰҚАРАЛЫҚ АҚПАРАТ ҚҰРАЛДАРЫНЫҢ ҚАЗАҚСТАННЫҢ ХАЛЫҚАРАЛЫҚ ИМИДЖІН ҚАЛЫПТАСТЫРУДАҒЫ РӨЛІ

Аңдатпа

Қазақстан республикасының әлемдік аренадағы имиджін анықтау қай кезде де, өзекті мәселелердің бірі. Дегенмен, соның ішінде, шетелдік медиа құралдары Қазақстанды қалай бейнелеуде, шет тілдердегі БАҚ Қазақстанның имиджін қалыптастыруда қандай рөл атқаратындығын нақты әдістер арқылы зерттеу қазақ қоғамындағы медиа мамандары үшін маңызды болмақ. Ғылыми мақаланы жазудағы негізгі мақсат – Қазақстанның халықаралық аренадағы имиджін қалыптастыру жолындағы, шетелдік БАҚ-тың қандай үлесі болғанын анықтау. Нақты мақсатына жету жолында мемлекеттің имиджін қалыптастыру жолында нақты қандай шаралар қолданылды және ол іс-шаралар аудиториясы жағынан үлкен көрсеткішке ие қандай медиа құралдарында жарияланғаны қарастырылды. Қазақстанның халықаралық имиджін салыстырмалы түрде анықтау жолында «MT/ON = ir» формуласы және ел имиджін