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## Shielding the future: Enhancing legal protections for children in Kazakhstan

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### Abstract

Despite recent progress, children in Kazakhstan still face harm, including abuse, neglect, and exploitation. This article aims to strengthen institutions protecting children's rights, a pressing concern in both social science and practice. It analyzes existing statutes and policies, assessing their alignment with international standards. The study's methodology includes a review of legal documents and case studies showing how these laws operate in practice. The findings reveal critical gaps in enforcement, interagency coordination, and support services for vulnerable children. Socio-cultural and economic factors exacerbate risks, suggesting that legal reforms must be combined with broader social changes. The article accordingly proposes legal amendments, capacity building for child welfare professionals, and increased public awareness. By integrating international examples and local expert perspectives, it offers a roadmap for enhancing child protection in Kazakhstan. Emphasizing a child-centered approach that prioritizes children's best interests in all decisions, this research envisions a stronger, more effective, and more responsive system to safeguard the well-being and rights of all children in Kazakhstan.

**Keywords:** Child rights, Child welfare, Child-centered approach, Inter-agency coordination, International standards, Legal reforms, UN Convention on the rights of the child.

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## 1. Introduction

As of early 2024, Kazakhstan's population of children aged 0-17 reached 6,717,954, marking a 1.5% increase from the previous year. This growth is part of a consistent upward trend observed over the past decade, during which the child population has expanded by 25%.

Safeguarding children's rights and interests is a core focus of Kazakhstan's socio-legal policy. The nation has undertaken significant efforts in this area, including ratifying key international treaties on child rights protection. Legislative reforms are regularly introduced to enhance the mechanisms for monitoring and safeguarding children's rights.

The commitment to child rights protection stands as a fundamental objective of state policy, emphasizing the balance of rights and responsibilities while holding individuals and officials accountable for infringements on children's rights and well-being. This commitment is further supported by ongoing legal enhancements to align with international norms and the evolving landscape of child rights protection. Kazakhstan's legal framework, grounded in the Constitution, the UN Convention on the Rights of the Child, and specific national laws, including those on child rights and education, continuously evolves to better protect children.

The Law "On the Rights of the Child in the Republic of Kazakhstan," enacted on August 8, 2002, plays a pivotal role in this framework. It outlines the state's policy objectives for children, enumerating their fundamental rights and duties, and addresses specific concerns such as the rights of disabled children and those without parental care, emphasizing the state's role in fostering a supportive environment for all children.

In Kazakhstan, the assimilation of international legal standards into the national framework is demonstrated by the ratification of more than 60 international human rights treaties, 16 of which specifically focus on protecting children's rights. The 1990s marked the beginning of recognizing child rights as an essential legal and moral concept. Historically, children were viewed either as subjects under parental authority or, during the Soviet era, as entities of state concern. The ratification of the UN Convention on the Rights of the Child marked the start of aligning Kazakhstan's laws with international child rights standards, acknowledging children as individuals with their own rights. Although brief, the definition of children's rights as human rights applicable to minors underscores the adaptation of general personal rights principles, considering their specific age-related needs.

According to Article 12 of the Constitution of the Republic of Kazakhstan, a child's legal identity is derived from their inherent status as a person and citizen, with age-appropriate modifications. This encompasses a full spectrum of rights and responsibilities recognized by the state. Children possess various legal statuses, including constitutional, sector-specific, specialized, and individual. While the constitutional status of children is recognized, it is somewhat constrained due to the Constitution's focus primarily on the rights of adult citizens, with scant explicit mention of children's rights. Therefore, discussing the constitutional foundations of children's rights in Kazakhstan is more appropriate.

The term "rights protection" does not have a formal definition in Kazakhstan's legal framework, despite its frequent use. The protection of children's rights involves a broad range of measures to ensure the free and proper exercise of their rights, including judicial, legislative, economic, organizational, and technical protections, as well as the ability to self-defend against rights infringements. Addressing childcare comprehensively requires legislative, programmatic, managerial, implementation, and educational efforts, each supported by specific legal mechanisms.

The challenge of childhood issues is not only persistent but growing, posing future risks for the nation. Both academic research [1, 2] and government reports [3, 4] stress that policies favoring children should be aligned with state social policy's broader goals to improve child welfare.

The objectives of state policy regarding children, as outlined in Kazakhstani legislation, are to ensure the protection of children's rights and legal interests, prevent discrimination against them, strengthen the fundamental guarantees of these rights, and restore them in cases of violations. Additionally, the goals include establishing the legal framework for child rights guarantees and creating appropriate bodies and organizations to safeguard the rights and legal interests of children. Therefore, developing specific proposals to enhance institutions that protect children's rights is a critical issue and a key task for social science and practice.

Our research objectives included analyzing national legislation on children's rights, identifying major legislative gaps and conflicts that impact the protection of children's rights, examining institutional barriers such as insufficient coordination among authorities, lack of resources, and the absence of clear mechanisms for implementing legal norms, and providing recommendations for legislative improvements.

## 2. Literature Review

The mid-1990s marked the inception of a comprehensive legal theory on children's rights in Kazakhstan, catalyzed by the nation's ratification of the UN Convention on the Rights of the Child. This pivotal moment led to the emergence of collections of documents and scholarly articles exploring various facets of children's roles in society and family, their legal standing, and the mechanisms for the protection and advocacy of their rights, including the development of juvenile justice systems. Key contributions to this discourse have been noted in the works of [Lorraine and Harding \[5\]](#); [Van Bueren \[6\]](#); [Mitchell \[7\]](#); [Casas \[8\]](#); [Roche \[9\]](#) and [Freeman \[10\]](#).

Substantial advancements in the field were further propelled by research adopting a broad theoretical legal framework, as seen in the works of [Nadybska, et al. \[11\]](#); [Chernaya \[12\]](#); [Kilkelly \[13\]](#); [Quennerstedt \[14\]](#); [Erdem Türkelli, et al. \[15\]](#) and [Hale \[16\]](#). These studies delve into the nuanced aspects surrounding the rights of children and their safeguarding mechanisms.

Shifts in Kazakhstan's socio-political landscape have necessitated legislative reforms to address the evolving understanding and comprehensive analysis of children's rights issues. The increasing recognition of children's precarious

situations and rights infringements, highlighted through media and scholarly publications, underscores an enduring national challenge. Addressing this requires a synthesis of theoretical insights to forge actionable strategies for the effective enactment of existing laws and state-planned measures.

This endeavor draws on the rich body of work from both domestic and international scholars who have examined the multifaceted nature of children's rights issues, employing a multidisciplinary approach that spans legal, historical, political, sociological, and educational perspectives. The contributions of Kazakhstani researchers such as Madiyarova, et al. [17]; Omarova, et al. [18]; Kapsalyamov, et al. [19]; Duissenkyzy, et al. [20]; Zhatkanbayeva, et al. [21]; Zhumabayeva, et al. [22]; Akimzhanova, et al. [23]; An and Kulmala [24]; Abikenova, et al. [25]; Apakhayev, et al. [26] and Musabayev, et al. [27] have been instrumental in shaping the methodological framework for studying children's rights within the Kazakhstani context.

The development of this paper's sections drew extensively from the insights of legal theorists and experts across various legal fields, including notable contributions from Collins and Wright [28]; Pupavac [29]; Raz and Almog [30]; Bonvin and Stoecklin [31]; Vandekerckhove and O'Brien [32]; Adonteng-Kissi [33]; Helwig and Turiel [34]; Hansen and Ainsworth [35] and Ryskaliyev, et al. [36].

The exploration of the Child Well-Being Index's future applications and development benefited significantly from the research findings of Moore, et al. [37]; Garifulina and Ipatova [38]; Fernandes, et al. [39]; Moore, et al. [40]; Prada and Sanchez-Fernandez [41] and Buck, et al. [42]. To understand the legal status and rights of children within various legal frameworks, along with the mechanisms for child rights protection, the paper relied on the foundational works of Rastogi [43], Morrison and Thronson [44], Peens and Louw [45], Tomescu [46], Bendo [47], Tisdall and Morrison [48], Králičková [49], Ferguson [50], Kilkelly [13] and Quennerstedt [14] experts in international law such as, Grugel [51], Lindkvist [52], Alderson [53], Goldhagen [54], Veerman [55], Borská, et al. [56], Holzscheiter [57], Todres, et al. [58], Rosemberg and Mariano [59] and Lundy and McEvoy [60].

Given the evolving historical context, there arises a compelling need to reevaluate some of these theoretical frameworks in light of the current socio-legal landscape in Kazakhstan, suggesting a nuanced reinterpretation of established theories to better align with contemporary Kazakhstani conditions.

The originality and significance of this manuscript stem from the fact that it presents an independent scientific inquiry into the interdisciplinary study of legal regulation concerning education and child rights protection systems. The review of current scholarly work reveals a gap in specialized research on this topic and underscores the necessity for a contemporary perspective that considers the latest challenges and trends. This study distinguishes itself from previous works through its interdisciplinary systemic analysis of the legal frameworks governing children's rights protection. It also offers recommendations for enhancing the existing legislation in Kazakhstan to support the post-COVID development of the state guarantee system for children's rights. Unlike the current level of legal regulation, the proposed innovations focus on legal support tailored to these needs.

### 3. Methodology

The study's methodological framework integrated a diverse array of scientific research methods, tailored to explore the nuanced topic of child rights and their safeguarding. At the core of our investigative approach was the universal dialectical method, which facilitated the application of general logical operations such as analysis, synthesis, induction, deduction, comparison, analogy, and abstraction. This foundational method was complemented by a suite of specialized approaches, including systemic and structural-functional analysis, statistical evaluation, concrete-sociological examination, comparative-legal analysis, formal-logical interpretation, and historical-legal scrutiny.

To achieve the set objectives, a comprehensive methodological approach was employed, which included:

- Analysis of regulatory legal acts of the Republic of Kazakhstan related to children's rights;
- Comparative analysis of national legislation with international standards and obligations arising from the Convention on the Rights of the Child;
- Expert assessments and recommendations based on the analysis of the identified issues.

The legal foundation of the research was grounded in an extensive compilation of international legal instruments related to child rights and protection. This encompassed a wide spectrum of documents, ranging from universal to regional, and from general to specific frameworks, alongside relevant Kazakhstani legislation and regulatory measures. The empirical backbone of the study was anchored in the practical experiences and insights garnered from a variety of international, national, and civil society organizations. This included the United Nations and its specialized agencies, notably the Committee on the Rights of the Child, the Council of Heads of Governments of the CIS along with its Human Rights Commission, various high-level Kazakhstani governmental bodies such as the President, Parliament, Government, and the Constitutional Court of the Republic of Kazakhstan, as well as the national Human Rights Ombudsman and the Children's Rights Ombudsman. Additionally, invaluable data pertaining to child rights issues were extracted from reports by the Human Rights Ombudsman and the Children's Rights Ombudsman of the Republic of Kazakhstan, other official and alternative reports, and a range of factual, statistical, and sociological publications across various media outlets.

Statistical methods were employed in processing official data and reports from the Ministry of Education of the Republic of Kazakhstan, the Committee for the Protection of Children's Rights, the Bureau of National Statistics, the Commissioner for Children's Rights in the Republic of Kazakhstan, the Commissioner for Human Rights in the Republic of Kazakhstan, and special electronic services of the Supreme Court of the Republic of Kazakhstan (Court Office <https://office.sud.kz/>, Bank of Judicial Acts <https://sud.gov.kz/rus/court-acts>). This included statistical data on the consideration of civil and criminal cases by the Supreme Court (<http://sud.gov.kz/rus/content/statisticheskije-dannye-o-rassmotrenii-grazhdanskikh-del>) and

statistical reports on the activities of the courts, presented by the information service of the Committee on Legal Statistics and Special Accounts of the Prosecutor General's Office of the Republic of Kazakhstan (qamqor.gov.kz).

The method of legal modeling was applied to predict the effects and legal consequences of proposed changes and additions to legislation. Our approach was based on the necessity to enhance the effectiveness of the state's strategy in providing legal support for the system protecting children's rights. This required addressing several research questions:

- What specific issues in the development of legislation in the studied area need resolution?
- What existing gaps and conflicts within Kazakhstan's current legislation affect the functioning of institutions protecting children's rights, and what recommendations can be made to resolve these issues?
- What international norms and standards in the legal regulation of education and children's rights protection should be recommended for implementation to improve the legislation of Kazakhstan?

## **4. Results and Discussions**

### **4.1. Children's Well-Being Index in Kazakhstan**

Since 2022, Kazakhstan has implemented the Children's Well-being Index to enhance the quality of political, administrative, and financial decision-making and to broaden public access to data on children's welfare. This Index is expected to yield crucial evidence regarding children's rights, serving as a key resource for governments, non-governmental organizations, academics, and others invested in child welfare [61]. Its introduction aims to boost the efficiency of governmental bodies addressing child welfare issues. The benefits of utilizing the Index encompass:

The capability to select, assess, and compare indicators within Kazakhstan's regions and against global benchmarks for children's welfare;

The power to draw the focus of society, policymakers, and governmental institutions to urgent issues affecting children and families, necessitating immediate state and community action;

The inclusion of public perspectives through sociological surveys, facilitated by an interactive map depicting children's welfare;

Strategic allocation of budgetary resources for social and infrastructure initiatives, along with monitoring the conditions of economically disadvantaged families in Kazakhstan;

The opportunity to monitor children's growth longitudinally, evaluating their progress and welfare from infancy through to adulthood.

Let's examine some preliminary findings from the short-term implementation of the Index in Kazakhstan, focusing on the legal protection of children.

The Index's primary goal is to provide an annual evaluation of children's well-being and the effectiveness of governmental policies aimed at improving conditions for children across various sectors. It is constructed using both statistical data and insights gathered from sociological studies. The data for the 2022 Index were obtained from a study conducted by the Information Computing Center of the Bureau of National Statistics under the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan. The 2023 survey featured participation from 6,000 individuals, evenly divided between children aged 10–17 years and their parents. The Index is organized into four main categories: "Child," "Family and Society," "State Policy," and "Well-being of the Country," comprising a total of 56 metrics (35 based on statistical data and 21 derived from survey responses).

### **4.2. Conclusions About the Level of Legal Protection for Children**

Children in Kazakhstan may be aware of their rights; however, the dominant patriarchal-authoritarian family structure, certain parenting practices, and a societal taboo against discussing violence frequently hinder their ability to exercise these rights. Parents, often unknowingly, act as obstacles to enhancing their children's understanding of legal rights and ensuring their protection. In such family environments, children commonly experience a lack of agency and choice, with their rights being regularly violated by their parents. The system for reporting domestic violence is not effectively operational within Kazakhstani society, underscoring the critical need for extensive educational and awareness campaigns that target not only educators and children but, importantly, parents as well.

There is a significant disparity between urban and rural areas in Kazakhstan in terms of the availability and effectiveness of resources for child rights information and protection. Urban regions have access to stronger resources and make better use of them. Therefore, it is crucial to concentrate on improving the infrastructure for resources and their effective use in rural areas. Efforts should include enhancing informational and educational efforts on child rights protection for rural parents, increasing the skillset and support for professionals involved in child rights protection in these regions, providing training programs for parents, developing and upgrading local child support and protection centers in villages, and expanding access to social organizations and resources that specialize in child rights protection in rural settings.

Since 2018, juvenile delinquency in the Republic of Kazakhstan has significantly decreased, with the number of cases falling to 1,700 in 2023—nearly half of the previous figures. However, despite this overall decline, the incidence of crimes committed by or involving minors per 100,000 children aged 14–17 increased in 2023.

Over the last five years, crimes against minors have decreased by 6%, accompanied by a minor drop in the crime rate per 100,000 children in 2023. Yet, this rate varies widely across the country's regions. Notably, the rate of crimes against the sexual integrity of minors per 100,000 children saw a threefold reduction in 2023 compared to 2021, despite significant regional differences. Concerningly, more than 15% of Kazakhstan's children were subjected to bullying or harassment in 2023, including through social media platforms.

The prevalence of domestic and child violence in Kazakhstan is on the rise each year, with societal intolerance for these offenses increasing significantly. There is a pressing need for new domestic violence legislation, the criminalization of such behavior, and improvements in victim support mechanisms. Consequently, it is imperative for government agencies and departments to actively collaborate with public organizations and activists. These groups play a pivotal role in protecting the rights of women and children, offering extensive and invaluable experience and expertise on these critical issues.

#### *4.3. Results of the Sociological Study on the Level of Legal Protection of Children*

In contemporary society, there is growing concern regarding the passive attitudes prevalent among students and young individuals, marked by their difficulties in adjusting to current societal norms and a lack of legal awareness. The legal consciousness of students reflects their potential for growth and development and serves as an essential indicator of children's legal protection within the community. This paper presents the findings of a sociological study aimed at evaluating the level of legal protection afforded to children. The research examined the legal literacy of Kazakhstani children in various aspects of life, involving a survey of 991 children aged 10 to 18 and 356 parents across 16 regions of Kazakhstan. Additionally, the study included two focus groups with 15–16-year-olds and five in-depth interviews with educational experts and heads of educational institutions to gain thorough insights.

Over a three-year period (2021–2023), the study revealed a noteworthy 23% improvement in the level of legal protection for students, increasing from 63% in 2021 to 86% in 2023. Titled "Level of Legal Protection of Children," the research focused on three main indicators: 1) children's awareness of their rights; 2) their contentment with how these rights are applied in practice; and 3) their comprehension of their responsibilities. By 2023, the survey had grown to encompass 5,612 children, showing an overall legal protection rate of 86.2%. This breakdown included an 81.4% satisfaction rate with the observance of rights, a 94.4% rate of rights knowledge, and a 79.5% rate of duties awareness. Areas like Karaganda (91.1%), North Kazakhstan (91.2%), and Astana (90.4%) demonstrated the highest levels of legal protection for children, marking a significant enhancement from the 76.3% recorded in 2022 and indicating a positive shift towards greater legal literacy and the development of a legal culture among the youth. This advancement implies that a substantial segment of the child population is now more equipped to positively engage with the legal system, effectively exercising their rights, fulfilling their obligations, adhering to restrictions, and advocating for their rights when infringed.

Upon analyzing children's perceptions of how their rights are enforced, it becomes apparent that they prioritize governmental protection and advocacy for their rights, the autonomy to voice and form their own opinions, defense against violence and cruelty, access to leisure and recreational activities, suitable living conditions, and fairness. The surveyed children pointed out lapses in the enforcement of human rights in aspects like healthcare access, opportunities for healthy growth, living standards, and parental guardianship. Notably, a marginally lower proportion of parents than children (65.7%) are convinced that all children's rights are thoroughly safeguarded. Approximately 24% of parents noted that children's rights are not completely observed, and 10% were uncertain about their stance on this issue. Further scrutiny of the responses indicates an alignment between parents' and children's views on the monitoring of particular rights. Parents highlighted shortcomings in the fulfillment of children's rights, pinpointing areas such as inadequate governmental support (16.9%), restricted leisure and free time (15.5%), satisfactory housing (13.8%), protection against cruel treatment (13%), access to medical services (14.3%), and the opportunity for healthy growth (12.3%).

#### *4.4. Child Rights Protection Mechanism in Kazakhstan*

The duty to create an environment where every child can identify, gain access to, and exercise their rights is a shared responsibility of the state, through its myriad agencies, and the broader society. This involves a detailed framework of social and legal strategies aimed at upholding and safeguarding children's rights. Our study refers to this framework as the child rights protection mechanism, a system specifically designed for the social and legal defense of these rights. Nevertheless, the effectiveness of this mechanism in Kazakhstan is hindered by several factors.

First, although there is a wide range of laws in various legal areas (including constitutional, civil, family, administrative, etc.) concerning children's rights and many guidelines for applying these rights in different societal areas, a significant lack of coordination and integration exists among these legal sectors. This disjointedness hampers the improvement of legal frameworks, the bridging of legal voids, the resolution of conflicts, and the practical application of laws for the benefit of children.

Second, the problem does not lie in the nonexistence of state entities dedicated to child protection but in their inadequate cooperation. Comprehensive child rights protection necessitates the combined efforts of agencies overseeing social protection, education, guardianship, youth affairs, healthcare, employment services, and law enforcement. The responsibility for ensuring compliance with the law by entities involved in the prevention of neglect and juvenile delinquency is assigned to prosecutorial authorities, while specialized courts adjudicate cases involving minors.

Third, the absence of a centralized system dedicated exclusively to child protection significantly diminishes the mechanism's effectiveness. Many state and local governmental bodies perform child protection duties alongside their main responsibilities, thereby diluting their focus on this vital concern.

In response to the enduring recommendations of the UN Committee on the Rights of the Child, Kazakhstan has been encouraged to develop independent state and public oversight systems for monitoring child rights and to bolster support for non-governmental human rights organizations and international agreements. To advance new child protection mechanisms and ensure children's rights to participate in the life of society and the state, Child Representatives (children's ombudsmen) were established in Kazakhstan in 2020. Operating in accordance with the UN Convention on the Rights of the Child, the Constitution of Kazakhstan, and national laws on children's rights and education, these ombudsmen are elected in schools



and are actively involved in advocating for child rights, including participation in school parliaments and debate teams. Their main functions are to assist in addressing the rights concerns of their peers, support children's social initiatives, take part in shaping state policies focused on children, involve children's intellectual contributions in drafting legislation on contemporary childhood issues, and promote legal awareness, civic engagement, and social responsibility among young people. The highest collective body is the Republican Council of Children's Ombudsmen, which consists of 40 active participants.

In Kazakhstan, the system designed to protect children's rights includes not only government agencies but also non-governmental human rights organizations (NGOs) and international agreements. These NGOs play a vital role in supplementing the government's efforts to safeguard citizens' rights, monitoring government actions to ensure adherence to primary human rights responsibilities, and assisting in a comprehensive approach to these challenges. These organizations fall into two main categories: those with broad competencies and those with specific areas of expertise. Civil society entities, such as public associations and organizations, are instrumental in addressing childhood-related issues. They are involved in developing and implementing a variety of programs at the national, republic, regional, and local levels, aimed at enhancing children's development, education, health, recreation, and leisure, in addition to initiating their projects for children in need of extra societal support.

Although NGOs' efforts to protect children's rights are noteworthy, the collaboration between these organizations and government institutions in Kazakhstan encounters obstacles, mainly due to the lack of an updated framework regulating the interaction between the state and human rights organizations. Such a framework would create stable, professionally managed legal pathways for cooperation. Implementing a specific law, "On the Foundations of the System of Interaction of the Authorities of Kazakhstan with Non-governmental Human Rights Organizations," is crucial to address this issue.

Legal protection is defined as safeguarding rights and legitimate interests through legal means. The effectiveness of this protective mechanism heavily depends on the performance of organizations advocating children's rights and their operational strategies. Key to the successful implementation of child rights protection initiatives is a central coordinating body, such as the Committee for the Protection of Children's Rights within the Ministry of Education, complemented by supervisory institutions like the national Ombudsman for Children's Rights and corresponding Ombudsmen in each region, the capital, and cities of national importance.

The creation of the Ombudsman for Children's Rights (OCR) in Kazakhstan in 2016 significantly bolstered the country's system for protecting children's rights. This move reflects Kazakhstan's commitment to the UN Convention on the Rights of the Child and its participation in global efforts to foster a welcoming environment for children. The OCR's responsibilities include defending children's rights and interests, addressing rights violations, and working alongside government and community organizations. A key role of the OCR involves processing complaints related to child rights breaches, which assists in uncovering and recording such incidents nationally. From 2021 to 2023, the OCR processed numerous appeals, many related to legal issues, guardianship, education, and healthcare.

Combating child trafficking, a grave threat to child safety and well-being, is another critical focus of the OCR's work. The OCR takes proactive steps and partners with law enforcement to break up trafficking operations. Additionally, safeguarding children in residential care is a major concern. Through collaboration with Kazakhstan's Financial Monitoring Agency, the OCR aims to identify and correct systemic flaws impacting orphans, children without parental care, and disabled children. By the start of 2023, this joint effort uncovered illegal activities in multiple facilities, impacting hundreds of children. An important development in the OCR's strategy is advocating for professional family care as a superior option to institutionalization, striving to provide children with a more familial and personalized upbringing.

While the Children's Ombudsman's role is often viewed as protective, a review of legislation and enforcement practices suggests a wider remit that encompasses advocating for rights and working preventively to avert rights infringements. The 2002 law "On the Rights of the Child in the Republic of Kazakhstan" grants the OCR broad authority but does not detail specific duties, indicating a need for legislative updates to specify tasks like notifying complainants about the results of investigations, taking action on rights violations, soliciting explanations from relevant entities, and preparing an annual report on the state of child rights protection. Furthermore, it is proposed to explicitly empower the OCR to engage and exchange information with international counterparts, thereby strengthening global collaboration in the arena of child protection.

#### *4.5. Developing Social Work in Kazakhstan: Trends, Challenges, and Directions*

Social work with children and adolescents can be defined as a system of measures aimed at providing comprehensive support to minors by upholding their fundamental rights and interests and compensating for any physical, social, or psychological harm that may impede a child's adaptation to society and full development within the system of social relationships. Social work with children is an integral part of the social policy of various states, structured according to the principal social organization of each country and evolving based on the dynamics of socio-political changes at both governmental levels and within civil society institutions. The effectiveness of the social work system with minors is a sensitive indicator not only of the general socio-political well-being of the state in the current historical period but also of its future prospects in the global political arena, as it reflects the government's commitment to the country's future and strategic development.

In the Republic of Kazakhstan, social services are provided to citizens facing challenging life situations and involve activities related to social adaptation and rehabilitation, social support, provision of material assistance, and services of a socio-medical, socio-domestic, psychological, pedagogical, and legal nature. A challenging life situation that a citizen cannot independently overcome constitutes grounds for providing social services and may include disability, illness, inability to self-care due to old age, orphanhood, homelessness, lack of residence, etc.

The system of social services in contemporary Kazakhstan includes a complex array of social services: medical assistance; provision of medications; maintenance and service in boarding houses, rehabilitation centers; social assistance at home for those in need of external care; prosthetic and orthopedic assistance; provision of transportation means. It is important to highlight the diverse composition of recipients of social services – these include individuals with disabilities, solitary elderly citizens, children with limited abilities, children left without parental care, persons with socially significant diseases, and homeless individuals.

Social work in Kazakhstan is a relatively young discipline, emerging both as a professional activity and an academic subject since 2009, following the enactment of the Law of the Republic of Kazakhstan "On Special Social Services" on January 1, 2009. This system of social measures was supplemented by a new form of social activities – special social services.

However, the existing legal and regulatory framework in the field of social services, even with the adoption of the aforementioned law, still lacks clear definitions; norms constituting the institution of social services are contained in various regulatory legal acts, most of which are subordinate in nature, with general norms having the characteristics of blanket legal norms.

In the aforementioned law, for the first time, circumstances such as orphanhood, lack of parental care, unsupervised minors including deviant behavior, limitations in early psychophysical development of children from birth to three years, persistent functional impairments caused by physical and/or mental abilities, limitations of life activities due to socially significant diseases and diseases posing a danger to others, inability to self-care due to old age or after a disease and/or disability, cruel treatment leading to social maladaptation and social deprivation, and homelessness (persons without a fixed place of residence) were defined as social. Forms of cruel treatment leading to social maladaptation and deprivation include actions related to domestic violence, human trafficking, including of minors, other forms of exploitation, as well as abduction regardless of the initiation of criminal proceedings regarding the committed acts. Upon the presence of the listed difficult life situations, an individual (family) has the right to a comprehensive range of services providing conditions for overcoming arisen social problems and aimed at creating equal opportunities with other citizens to participate in societal life.

As a public science, social work is related to technical and (especially) natural sciences. Research conducted within its scope is interdisciplinary, connecting, on one hand, with natural sciences (medicine, in particular), and on the other, with philosophy, sociology, psychology, pedagogy, law, and other social sciences.

With the introduction of the profession in Kazakhstan—a specialist in social work—the basic course in the training of social workers was "Theory and Methodology (Technology) of Social Work." Its main goal was to provide students with a comprehensive understanding of the content of social work, its directions, tools, technology (methodology), and organization, teaching them methods of work. With the development and adoption of the State Standard for Education in the field of social work (bachelor's, master's, doctoral), this course has acquired a new form in content and structure. In the cycle of general professional disciplines, it is represented by subjects such as: introduction to the profession; history of social work in Kazakhstan; theory of social work; ethics of social work; technology of social work; social work abroad; and others. The training program includes a cycle of special disciplines, which contains subjects of social work itself and sections of other disciplines studied by future social workers.

To implement the modern mission of social work, it is necessary to strengthen the personnel potential of social work by: improving the quality of professional training of social workers (updating the standards of education in the specialty "Social Work" taking into account the challenges of modernity); increasing the state order for the training of social workers (bachelor's, master's, doctoral programs); increasing Kazakhstani educational aids and teaching materials on social work; forming and improving the professional competencies of social workers; developing inter-organizational and interdepartmental collaboration (developing mechanisms for coordinating the activities of different structures) in the implementation of social work, providing social services, and training and improving the qualifications of social workers on a systematic basis. In Kazakhstan, the process of training social workers occurs simultaneously with the development of the system of social protection and work with the population. In this regard, it should be noted that in modern social work, it is increasingly recognized that professional social workers should not only effectively solve emerging problems but also anticipate their occurrence, i.e., perform preventive work, monitor, and control social risks, so that such problems arise less frequently or, if possible, less often.

#### *4.6. The Risks of Gambling Among Minors in Kazakhstan: Analyzing the Problem and Seeking Solutions*

A significant precursor to deviant behavior among minors in Kazakhstan is the high risk of involvement in gambling. Gambling addiction inflicts considerable harm on the younger generation, with online gambling games becoming a routine leisure activity for many children. In our country, gambling addiction is officially recognized as a national problem requiring government intervention and comprehensive measures.

The issue of addiction to gambling is reviewed annually by the Youth Research Center at the request of the Ministry of Information and Public Development of Kazakhstan. According to surveys of young Kazakhs conducted from 2021 to 2023, the proportion of respondents involved in gambling increased from 0.1% to 3% over this period. There was also a notable increase in the proportion of respondents who spend a significant amount of time playing computer games, rising from 11.8% to 39.5%.

Analysts are also examining the problem of addiction to computer games, which shares traits with the harmful tendency toward gambling and casinos. Online games, especially among teenagers and young adults, often serve as a gateway to destructive thinking and the onset of gambling addiction. According to the Youth Research Center in 2023, 50.1% of teenagers aged 14–18 spent a significant amount of time playing computer games. This figure was lower among youth up to 23 years old (41.8%) and even lower among those aged 24–28 years (30.5%). However, in the oldest group of youth, aged

29 to 34, the proportion actively involved in computer games was significantly higher at 40.6%. A similar trend is observed in gambling participation, which increases with age. The highest level of addiction (4.7%) is found in the age group of 29 to 34 years.

In 2024, a comprehensive plan to combat illegal gambling and gambling addiction in the Republic of Kazakhstan for 2024–2026 was adopted. Our critique of this plan includes a general lack of detailed methodology or specific, fact-based approaches tailored to the unique socio-cultural context of Kazakhstan; excessive reliance on legislative and punitive measures; insufficient emphasis on comprehensive social programs for prevention and rehabilitation; an underestimation of the challenges of online gambling, which does not adequately address the unique issues associated with digital gambling; the plan outlines expected results but does not adequately detail mechanisms for measuring these results or criteria for evaluating the success of various measures; and the absence of engagement from the scientific community in developing more holistic and effective measures. The plan does not leverage global experience in regulating the gambling industry and combating gambling addiction, gathered by various countries and authoritative institutions. Instead of employing comprehensive measures, the plan primarily focuses on prohibitions and strict restrictions, categorizing all players, without exception, as gambling addicts.

Gambling addiction negatively impacts families and communities, leading to the breakdown of social bonds and exacerbation of social problems. Gambling is seen as an easy way to make money based on risk, making this method particularly attractive to minors. Minors belong to a high-risk group, as they are psychologically more susceptible to the allure of winning without effort.

Significant factors contributing to illegal activity in the gambling sphere include the psychology of the victims themselves. Conditions that facilitate minors' involvement in gambling, particularly among vulnerable groups, include their age characteristics, which make them more susceptible to computer games, gambling, and information technologies. The special status of minors is also determined by the rapid and widespread dissemination of the internet, making participation in online gambling games hosted on information portals and websites more accessible. Based on these determinants, it is necessary to develop methods and approaches to counteract crime in the sphere of illegal gambling activity. In this regard, tightening punishments for involving minors in illegal organizations and conducting gambling games is in demand.

It is relevant for domestic conditions to develop specific strategies for the prevention and minimization of gambling addiction, the development of effective educational campaigns, improvement of legal regulation, and support measures for individuals suffering from gambling addiction. Creating educational initiatives aimed at raising awareness and forming a critical attitude toward gambling among youth is essential. The development of educational programs and teaching materials to enhance the qualifications of specialists working with gambling addiction issues, for conducting scientific research to further study gambling addiction, its causes, consequences, and effective methods of combating it, is crucial. Educational institutions, schools, and universities should integrate modules into their programs that focus on a conscious attitude toward gambling, forming a critical view among youth and recognizing the risks associated with gambling addiction.

#### *4.7. International Legal Protection of Children's Rights*

The protection of children's rights under international law features unique attributes, highlighting the distinct legal standing of children as rights holders and as a demographic in need of particular safeguards. National legislation commonly identifies children as a special group, recognizing their unique legal status. This is based on the understanding that children, because of their developmental phases, are not fully capable of independently exercising all human rights or comprehending the consequences of certain decisions. This viewpoint fosters a balanced approach to children's rights, affirming their right to all basic human rights while also acknowledging the constraints on their ability to fully enact these rights.

The international legal framework, especially as outlined in the Convention on the Rights of the Child, emphasizes this distinction by not directly equating the legal statuses of "child" and "human." Instead, it provides children with a selection of fundamental human rights (articles 12–16 of the Convention). It underscores the need for special protections and care for children, attributed to their "physical and mental immaturity," requiring appropriate legal safeguards (paragraph 9 of the Preamble) and establishing children's right to special care and assistance (paragraph 4 of the Preamble).

While some research [Pecora, et al. \[62\]](#); [O'Neill \[63\]](#) and [Cantwell \[64\]](#) proposes that the legal treatment of "human" and "child" should be more closely aligned in terms of rights, such equivalence is not practical or advisable from our perspective. This view neglects the intrinsic legal distinction of children as a group that merits extra protections. The overarching aim and fundamental principle of international law in this area are to guarantee that children have access to their basic human rights and to afford them specific rights that acknowledge their particular needs and susceptibilities, thus ensuring they receive specialized protection.

Certain viewpoints, like those of [O'Neill and Zinga \[65\]](#) and [Pupavac \[29\]](#) challenge the need for a distinct mechanism for the international protection of children's rights. They argue that since children have the same rights as adults and many countries' legal systems assert everyone's equal rights, special focus on children's rights is unnecessary, as they do not differ from adults' rights or the broader concept of human rights. However, this stance is problematic for several reasons.

Firstly, children are often not considered fully fledged citizens due to their restricted legal capacity. Legal systems across the world establish various age thresholds for performing legal actions, emphasizing the inherent differences between children and adults. This distinction suggests that not all adult-applicable rights are automatically appropriate for children, highlighting the necessity for distinct regulations regarding children's rights.

Secondly, international legal documents specify rights that are not universally applicable to children, with certain rights becoming relevant only upon reaching adulthood. For example, children under a specific age cannot be criminally liable, and rights such as freedom of movement, the ability to marry, participate in governance, and voluntary military service are adult



privileges. Moreover, children exercise some rights through legal guardians, like the right to immediate registration after birth, to have a name, or to property ownership.

Therefore, the tailored regulation of children's rights is essential. Given that individuals under 18 constitute roughly half of the world's population, many lack the autonomy to exercise or defend their rights independently. Typically, parents or guardians make decisions impacting children, on whom their welfare depends. Additionally, vulnerable child groups, like those in conflict zones, refugees, migrant workers' children, stateless children, and those with disabilities, require even more focused protection to ensure their rights and well-being are prioritized.

Consequently, modern international law maintains a definitive distinction between "human rights protection" and "child rights protection." These categories must not be entirely equated, as children invariably necessitate special protection. Recognizing children as human beings with rights, the legal interpretation and application of these rights should adapt to children's unique legal status. This uniqueness warrants the establishment of the international legal protection of children's rights as a distinct legal institution, acknowledging the special aspects of their legal identity.

We propose the following classification for sources that regulate the international legal framework pertaining to children's rights:

1. Universal and regional international legal agreements that broadly cover human rights protection.
2. Universal and regional international legal agreements focused specifically on the protection of children's rights.
3. International legal documents aimed at providing specialized protection for children's rights.
4. Advisory documents.

One of the primary challenges in enhancing the protection of children's rights is the diverse and sometimes conflicting regulations regarding the legal status of children, influenced by their unique situations or circumstances. This issue mainly arises from inconsistencies among various international legal documents and a lack of detailed definitions and standards concerning this area of international law.

The responsibility of states to protect and promote human rights is a universal commitment, applicable to all countries regardless of their ratification of international legal treaties in this field. There is a critical need to recognize, define, and legally enshrine the concept of a child at the global level, to facilitate the institutionalization and subsequent development of this area of international law.

The variability and imprecision in the core norms and concepts found in these international treaties lead to discrepancies in regulation. Current international treaties that contain regulations for particular categories of children present disjointed and vague norms. We advocate for the creation of more specific legal standards to effectively protect the rights of children who, for various reasons, are part of the categories discussed in this study.

Furthermore, the protection of children's rights, the prevention of rights violations, and the response to ongoing infractions require a comprehensive system for monitoring state compliance with international treaty obligations. In this regard, the UN Committee on the Rights of the Child plays a crucial role. However, its powers are limited and insufficient to ensure full compliance by states with their agreements. With respect to the fundamental value of children's rights, it is essential to have mechanisms for imposing stricter measures on states that fail to adequately integrate international norms into their national legislation.

There is an urgent need for continuous research, both globally and domestically, to explore the ongoing challenges in the realm of children's rights violations. Such research should go beyond collecting data and statistical analysis to thoroughly investigate the underlying causes of these violations. Developing an effective framework for child rights protection requires identifying prevalent and severe violations, considering factors like geographical location, the child's social setting, the educational background of the child and their guardians, and other relevant aspects that influence their circumstances. In-depth analysis will guide the future direction of the international legal framework for children's rights, prioritizing issues and improving prevention strategies.

Moreover, creating a global network of state cooperation is vital for ensuring international legal protection and advocating for children's rights. This cooperation should leverage existing international legal standards focused on child rights protection and encourage the formulation of new legal norms and mechanisms for enforcement. The quest for universal international cooperation and agreement on legal standards is complex and fraught with political sensitivities. Therefore, it is crucial to promote bilateral state cooperation to address specific child rights protection challenges, find solutions, and secure a uniform commitment to fulfilling child protection duties.

A crucial component of refining and updating international legal standards in this field is conducting a thorough theoretical analysis of established legal relationships and their conceptual foundations. By delving into the theoretical aspects of this legal institution, states can create and implement effective international legal and advisory documents aimed at child rights protection and advancement. The foundation of international legal protection for children's rights requires not only theoretical enhancement from the perspective of international law but also concrete incorporation into international agreements and advisory documents.

Our analysis of how the UN Convention on the Rights of the Child of 1989 has been incorporated into Kazakhstan's legal framework yields several insights:

- The ratification of the Convention in 1995 marked the beginning of a shift in national perspective towards child welfare issues in Kazakhstan, leading to a new approach in state child protection policy. This era saw the genesis of children's rights theory within legal academia, accompanied by a noticeable increase in legislative actions to secure and legally safeguard children's rights. Nonetheless, the socio-economic changes that accompanied the transition in Kazakhstan's social system have primarily negatively impacted children, contributing to an increase in rights violations.

- Kazakhstan has adopted the Convention's standards indirectly by integrating these international norms into its domestic legislation, fulfilling its international obligations through local laws.
- The current Kazakhstani legislation aligns considerably with the fundamental principles of the Convention on the Rights of the Child. However, there are still areas that require further alignment to fully meet the Convention's standards.
- The mechanisms in place within Kazakhstan for ensuring children's rights do not always reflect the level of detail and comprehensiveness implied by the notion of 'special' protection.

## 5. Conclusions

The Republic of Kazakhstan prioritizes child protection and the defense of children's rights. In alignment with this priority, the government is dedicated to creating a safe and supportive environment that nurtures children's well-being, with careful consideration of their rights and interests. This commitment to child welfare is manifest across legislative and executive branches, evidenced by the establishment of an extensive national legal infrastructure for child protection since the country's independence. This infrastructure encompasses 14 laws, over 200 government resolutions, and upwards of 700 directives aimed specifically at safeguarding child rights. Moreover, Kazakhstan is home to more than 20,000 educational facilities that serve a broad spectrum of educational needs. In 2021, Kazakhstan developed the Child Well-Being Index to more accurately assess child welfare and the effectiveness of national policies intended to improve conditions for children in various sectors.

Despite significant progress in enhancing child welfare, as indicated by statistical analyses, sociological research, and various initiatives, challenges remain in specific areas. Concerns about child safety, equal access to education, healthcare, and social services are pressing issues that demand further improvements and comprehensive review. To effectively tackle these challenges, a sustained effort and methodical analysis are essential to address current shortcomings and promote the well-being of children in Kazakhstan further.

The analysis of the Child Well-Being Index from 2021 to 2023 highlights several critical areas requiring prompt intervention and strategic action. Key findings underscore the urgent need for comprehensive initiatives to ensure a safer environment for children. This involves creating and implementing programs focused on prevention, education, and awareness, as well as improving infrastructure and healthcare services. Alarming, children represent nearly half of the demographic living below the poverty line, indicating a substantial segment of the nation's poor are children, with ongoing trends showing no sign of decreasing child poverty. Introducing a child into a family significantly heightens the risk of economic hardship, with households with children being seven times more likely to fall below the subsistence level. Furthermore, an increase in the number of children in a family is directly linked to a higher likelihood of these households earning below the minimum subsistence level.

There's an urgent need for initiatives aimed at reducing poverty among families with children, strengthening legal and organizational structures to address issues like child neglect, homelessness, prostitution, drug addiction, and alcoholism, and promoting an environment conducive to the socialization of children. This includes reversing the rising trend of social orphanhood. Efforts to reduce child morbidity and improve the quality of educational offerings are crucial. A key component of these strategies is to enhance the role of local governmental agencies, civil society organizations, and families in protecting the rights and welfare of children.

From a constitutional and legal standpoint, establishing clear legal protections for children's right to life, especially in situations of armed conflict and terrorist threats, is imperative. This also involves safeguarding children against the adverse impacts of mass media, ensuring state support for youth and children's commercial and religious organizations, and youth and student associations, including those related to trade unions. Moreover, providing assistance to youth and children's groups associated with political parties, previously excluded from state support, is essential. Although progress in combating domestic violence and crimes against children has been gradual, it is important to maintain momentum in these efforts to ensure ongoing advancements.

Our review of Kazakhstan's legislative framework underscores the urgent need for an all-encompassing national system to effectively implement all laws and regulations concerning children. This system must guarantee strict oversight and accountability in decision execution, boost work efficiency, and enhance coordination among various administrative entities dealing with child welfare.

The state's legislative initiatives show progress in crafting laws that safeguard the rights and interests of children, in line with the UN Convention on the Rights of the Child and tailored to Kazakhstan's specific conditions. Yet, the lack of a specific section dedicated to children in the Constitution and the dispersal of children's rights across various sectoral laws, without a unified legislative framework, makes these rights harder to access and enforce, revealing 'legal gaps' in the current legislation on children's rights.

In spite of significant strides in establishing and strengthening the legal basis for the protection of children's rights in recent decades, Kazakhstan still faces substantial hurdles. These include the influence of traditional values on legislation and its application, the need for a more thorough incorporation of systems and standards into the legislative structure, the harmonization of the content of regulatory documents, and the improvement of law enforcement effectiveness in protecting children. There is a vital need to bolster control and monitoring mechanisms for the enforcement of children's rights, as well as to upgrade educational and upbringing approaches to instill respect for children's rights.

In conclusion, the legal protection of children in Kazakhstan is a continuous process that requires constant analysis, review, and adaptation to changing social dynamics and global standards. Progress in this domain will not only ensure the protection and observance of children's rights but also aid in cultivating a more equitable and humane society in Kazakhstan.

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