

**M.M. Malgazhdarova,
L.K. Akhmetzhanova**

*L.N. Gumilyov Eurasian National University, Astana, Kazakhstan
(E-mail: ¹miru1997@mail.ru, ²leilak2008@mail.ru)*

The European system for the protection of children's rights: experience for Kazakhstan

Abstract. *The protection of childhood is one of the main tasks of the State. Minors, due to the peculiarities of their physical and mental development, are more susceptible to various negative influences than other categories of people, which can become the basis for the development of their personal deviation.*

Despite the progress made, children's rights are violated on a daily basis around the world. There are still gaps in the legal protection of children, and there is an even greater gap between law and practice. Children still suffer from violence in the family, in the community, in institutions and in other conditions, face the risk of poverty, trafficking, sexual violence.

In this regard, the main purpose of the article is to determine the mechanism for the formation, development and implementation of state policy for the protection of children's rights and the definition of a model for the protection of children's rights in the EU and Kazakhstan.

As the methodological basis for the article were used: general scientific, comparative, historical method, analysis of the regulatory framework, analysis of statistical data, content analysis of Internet resources, monitoring.

The article also identified the main mechanisms for protecting the rights of children in the EU and Kazakhstan, analyzed the activities and role of non-governmental public organizations for the protection of children in the EU and Kazakhstan.

Keywords: *Child protection, European Union, Council of Europe, Kazakhstan, NGO, UNICEF, UN.*

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Introduction

States have long regulated how people should feel about children and their social rights. It's still debatable how well children are treated, how free they are, and whether or not we can change their course. The State is mandated by nature to uphold the rights of its people and establish favorable living circumstances. Children are a continuance of mankind and the nation's future capable citizens, according to biological rules. The main prerequisites for a child's life—and, by extension, the future of the

country—are social protection, rights protection, growth, and the fulfillment of physical and psychological requirements.

Law is a product of social growth, just like the State is. The rights of the child are a sort of code of social behavior created by the State or a supranational institution to signify fairness and avoid encroachments on what belongs to or is appropriate for the kid. A kid is born with all of his or her rights.

According to Article 1 of the United Nations (UN) Convention on the Rights of the

Child (CRC) of 1989, "every human being is a child until the age of 18, if, according to the law applicable to this child, he does not reach adulthood earlier" [1].

Adopted in 1989, the United Nations Convention on the Rights of the Child was the first international instrument to explicitly recognize children as human beings with innate rights. Ratified by 197 countries, including all EU Member States, it has become the landmark treaty on children's rights, outlining universal standards for the care, treatment, survival, development, protection and participation of all children. Kazakhstan signed this Convention on the Rights of the Child in 1994 [2].

In addition to the fact that all EU members have signed the convention, the EU has its own protection of children's rights. The promotion and protection of children's rights is one of the key objectives embedded in Article 3(3) of the Treaty on European Union (TEU) signed in Maastricht in 1992. Moreover, Article 24 of the Charter of Fundamental Rights of the EU recognizes that children are entitled to 'protection and care as is necessary for their well-being'. The same article recognizes that the child's best interests should be the primary consideration for public authorities and private institutions. Also in the same Charter, articles 14 and 32 state that children have the right to receive education and prohibit the exploitation of the child labour.

Despite the adoption of this law and the consistency of the guidelines for child protection, the member states of the Convention continue to pay varied amounts of attention to the issue of children.

When resolving issues in this area, approaches for preserving children's rights in democratic States share certain commonalities. National traditions in developing nations are supported through unique Western-adopted systems.

Materials and methods

While writing the article, general scientific, comparative, historical methods, analysis of the regulatory framework, analysis of statistical data, content analysis of Internet resources, monitoring were used.

Results and discussion

European mechanisms for the protection of children's rights: Legislative and regulatory framework.

In this regard, it is worth first considering child protection mechanisms in the countries of the Europe. To safeguard the interests of children, the Council of Europe has approved a number of normative legal acts. The European Social Charter, which outlines economic and social rights (Paragraphs 7, 8, 16, 17, 19, 27, 31 they pertain to children's difficulties), is the major text. It is found in the Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights (Paragraph 5, Protocol No. 7 of 1984). In turn, fundamental legislative documents were adopted at the pan-European level, namely:

Convention for the Protection of Children from Sexual Exploitation and Sexual Violence;

European Convention on the Implementation of Children's Rights (1996);

European Convention on the Legal Status of Children Born Out of Wedlock;

European Convention on the Adoption of Children;

European Convention on the Recognition and Enforcement of Decisions concerning Custody of Children and the Restoration of Custody of Children;

European Convention on Nationality;

European Convention on the Repatriation of Minors;

Council of Europe Convention on the Protection of Children from Sexual Exploitation and Abuse (CFE);

Convention for the Suppression of Trafficking in Persons;

Convention on Cybercrime [3].

At this time, the Council of Europe strategic plan for 2016–2021 has taken into account the primary goals. In accordance with the European Convention on the Protection of Human Rights, the UN Convention on the Rights of the Child (CRC), and other international human rights agreements, children in Council of Europe member states have the right to a complete range of human rights protections. Civil, political, economic, social, and cultural rights are included in this. All of these areas of human rights are intended to be covered by this strategy, which demonstrates the dedication of the Council of Europe and its member states to ensure that all children have access to these rights.

The UN CRC and, in particular, its four guiding principles, serve as the foundation for the Council of Europe's work on children's rights:

Non-discrimination (Article 2). Without exception and regardless of a child's background, all children are entitled to certain rights. Regardless of national, racial, or socioeconomic origin, property situation, health status, the child's birth, the presence of his parents or legal guardians, sexual orientation, gender identity, or any other factors, all rights are guaranteed without any kind of discrimination. This Strategy is focused on implementing the non-discrimination principle across all core areas.

the child's best interests (Article 3). The best interests of the child are prioritized in all decisions involving children. The Council of Europe will make an effort to make sure that this rule is followed for all of this Strategy's goals.

the privilege of life, survival, and growth (Article 6). Children's rights to life and safety from violence and suicide are unalienable. The term "development" should be used to refer to a child's overall growth, which includes their physical, mental, spiritual, moral, psychological, and social development.

The right to be heard (Article 12). One of the Strategy's five goals, but also a cross-cutting job, is the inclusion of children.

One essential requirement for the achievement of children's rights in society is their participation in decision-making at the individual, family, organizational, and governmental levels. In all facets of this Strategy, the Council of Europe is dedicated to a participative approach to children's rights and to assisting Member States in this respect.

The Strategy is the outcome of in-depth discussions with Member States, civil society, commissioners for children's rights, other international organizations, and kids.

Unfortunately, despite a large number of conventions, the EU continues to face several problems that have turned into requirements for the development of a new strategy. These are listed below:

Poverty, inequality, and exclusion – children are the age group most at risk of poverty or social exclusion, according to Eurostat. According to reports, poor children experience loneliness and shame [4].

Compared to their more affluent counterparts, they are less likely to succeed in school, obtain quality medical treatment, and reach their full potential in later life [5].

Europe runs the risk of producing a "lost generation" of disillusioned youngsters due to generations-long cycles of poverty, which might

have detrimental effects on societal cohesion and political stability [6].

Violence - Although there have been substantial improvements in the battle against violence against children, the pace of change is still too slow and unequal. Even in today's technologically advanced world and in locations where children should be kept as secure as possible, such as schools, daycare centers, jails, and homes, there is still a risk of violence against children, particularly females.

The system of justice designed for adults - The juvenile justice systems in Europe still need to be better tailored to meet their unique demands.

Parents and family difficulties - The family is the fundamental building block of society and the ideal setting for children's development and wellbeing, regardless of its structure. Children value their ties with their parents and siblings very highly [7]. Families, however, might run into a number of issues. For instance, the economic crisis has left many families dealing with unemployment and future uncertainty.

Racism, hate speech, and radicalization - The radicalization of children and young people is a further cause for worry and calls for stronger assistance from the school system for intercultural understanding and tolerance [8].

Growing up in a digital world - The digital environment exposes children to harmful content and its consequences, creates problems for privacy and data protection and other risks, including sexual harassment via the Internet and excessive access to sexual images.

Migration - Children are one of the most vulnerable populations in Europe today, whether they have been uprooted or are adversely impacted by migration [9]. They have restricted access to social, health, and educational services in various nations.

As part of Europe, the European Union closely cooperates with the Council of Europe and the UN. For this reason, all regulatory frameworks, conventions and EU strategies must comply with the policies of the UN and the Council of Europe.

The EU has its own strategy for the protection of children: "The EU Strategy for the Rights of the Child and the Action Plan for Integration and Inclusivity for 2021-2027".

The EU Child Rights Strategy was adopted on March 24, 2021 and provides a framework for action to better promote and protect children's rights. The Strategy offers a series of actions in

six areas: children's participation in political and democratic life; socio-economic integration, health and education; combating violence against children; child-centered justice; access to digital technologies and security; and helping children around the world. Part of the strategy includes providing EU member States with support in obtaining reliable and comparable data for evidence-based policy development in accordance with the framework. The EU Child Rights Strategy also states that there will be a more detailed breakdown of Eurostat data by age and gender and data obtained by other EU agencies, as well as research on specific thematic areas covered by this strategy.

As part of the EU Strategy on the Rights of the Child, the Council of the EU Commission recently established the European Child Protection Guarantee, which aims to ensure that the most vulnerable children in the European Union have access to health care, education, child care, decent housing and adequate nutrition. The purpose of the Child Protection Guarantee is to break the vicious cycle between generations by developing policies and programmes for children at risk of poverty and social exclusion. Within the framework of the initiative, special attention is paid to certain groups of vulnerable children, including children with disabilities who are in alternative care, as well as those who are in an unstable family situation. The initiative also aims to improve the availability and volume of data on children at the national and EU levels. Member States will present action plans for the implementation of the Children's Guarantee, which include assessing the availability of data on specific groups of children, identifying data gaps and creating a national framework for data collection and monitoring indicators.

The EU's work on integration and inclusivity is based on a common set of principles and values that should also guide Member States when developing, implementing or revising their strategies. This is true across the entire spectrum of the EU integration policy set out in the European Pillar of Social Rights.

The Commission will monitor the implementation of the strategy at the EU and national level and report on progress at the annual European Forum on the Rights of the Child. Monitoring compliance by member States with human rights standards is crucial to the work of the Council of Europe. The Council of Europe monitors by visiting member countries and requiring Governments to report on the

reform measures they have taken. In addition to the judicial complaints mechanism provided by the European Court of Human Rights, the Council also provides for other systems of individual and collective complaints, such as the European Committee on Social Rights [10].

In addition to the strategy, the Convention for the Protection of Human Rights and Fundamental Freedoms should be mentioned. The Lisbon Treaty was signed in 2009. This treaty provides for the EU's legal obligation to join the European Convention on Human Rights. From 2010 to 2013, negotiations were held between 47 States. However, in 2014, the EU Court decided that the agreement was contrary to EU law. But in 2019, the EU informed the Secretary General of the Council of Europe that the EU was ready to resume negotiations on its accession to the European Convention on Human Rights.

Non-legal papers produced by the EU include "green books," communiqués, reports, research, and declarations. They are all used as instruments to advance children's rights in many contexts.

NGOs are given a specific role in the EU member states. Non-governmental organizations (NGOs) not only participate in the CRC monitoring process but also, via their regular activities, help to advance the cause of children's rights.

Additionally, in the EU, NGOs actively participate in state politics by advocating for civic initiatives, monitoring social interactions, and identifying new issues. On the other side, NGOs work with various demographic groups to safeguard and uphold democratic principles and human rights.

The nature of non-governmental organizations can be summed up as follows:

- They act as a link between the government, various social groups, and the general public, defending their rights and interests; they ensure public oversight over the actions of the state and its institutions, including their adherence to local and international legal standards, preventing the state from monopolizing the political, economic, and other spheres of society; and they support sustainability

- They redistribute and encourage the sensible use of already-existing resources in the government and society without aiming to make a profit, as well as generate and divert new financial, intellectual, material, and other resources that are intended to satisfy both individual and societal interests;

– Promote the dissemination of knowledge, the development of pluralism, and civil society norms and values;

– Via non-governmental groups, the people voice their concerns to the government over a range of social, economic, and other issues;

– NGOs serve as a medium for the direct execution of social projects by individuals and offer professional staff training, including for the government.

In light of the crucial role that NGOs play in the sector, it is vital to acknowledge that public organizations frequently respond to social issues before the government is engaged in their decision, at which point they have the necessary preparation that the government may employ [11].

Children's self-run organizations also play a significant part. NGOs engage in a wide variety of human rights-related activities, such as teaching children about their rights, conducting research, putting child protection programs into place, collaborating with government organizations to implement child-friendly policies, creating alternative reports on children's rights, etc. Here are a few instances of groups that support children's rights in various ways:

The Council of Europe's program, "Building Europe for Children and Together with Children," has two strategic objectives: eliminating sexual violence against children on the basis of specific legal instruments and offering comprehensive information and educational activities. The "EVERY FIFTH" campaign of the Council of Europe, which aims to stop child sexual abuse, was launched in November 2010. The "EVERY FIFTH" campaign attempts to increase the number of nations that have ratified the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Abuse, signed it, and are in compliance with its provisions. Moreover, it attempts to provide kids with the information and tools they need to stop child sexual abuse and spread awareness of it to society at large [12].

A network of institutions and individuals called Eurochild works to enhance the lives of children and young people throughout Europe. By utilizing networks, research, communication, and propaganda, civil society in Europe and beyond is able to safeguard children, as demonstrated by Eurochild.

Through direct efforts, lobbying, supervision, and specialized training, a global NGO with a presence in 40 countries named "International Protection of Children" focuses particularly on juvenile justice.

The goal of the international network ECPAT, which has a presence in more than 70 countries, is to eradicate child prostitution, child pornography, and child sex trafficking.

The promotion, implementation, and oversight of the CRC are the responsibilities of the NGO Group in Support of the Convention on the Rights of the Child. More than 70 national and international NGOs make up its network.

The 98 national youth councils and international youth groups from all around Europe who are working on problems connected to youth engagement are represented by the European Youth Forum, a forum governed by youth. Through its dealings with European institutions, the Council of Europe, and the UN, it does this by promoting the needs and interests of these organizations and advocating on their behalf.

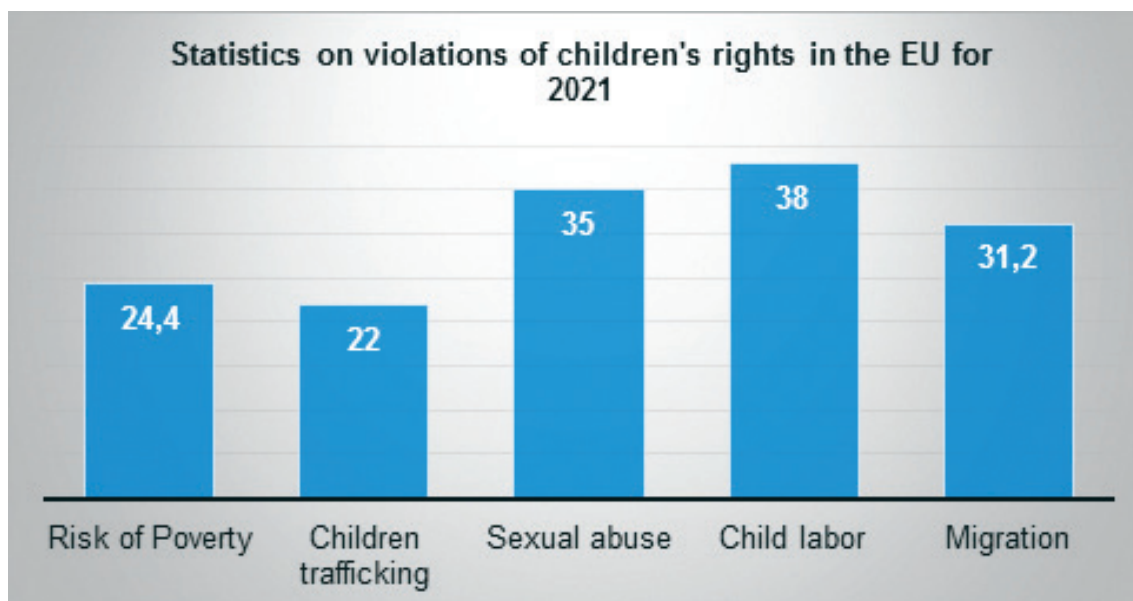
The European Confederation of Youth Clubs (ECYC) is a network of youth work organizations and youth clubs that carry out and promote open youth work and non-formal education through a network of 28 member organizations in 27 European countries.

Save the children, which has representation in 120 countries, is one of the top organizations working to advance, defend, and assist children's rights and children in need. Using a range of initiatives, from direct action to advocacy and lobbying, the group strives to create a society in which every child will have the right to survival, protection, growth, and participation.

The International "Falcons" Movement - The International Socialist Movement in Support of Education (IFM-SEI) is an international movement in support of education that strives to enhance children's potential and fight for their rights through seminars and preparatory courses, international camps, conferences, and campaigns related to education, the defense of rights, and practical work with vulnerable children.

However, despite such powerful tools for protecting children's rights, Europe still faces problems which are shown in Figure 1 [13].

Figure 1. Statistics on violations of children's rights in the EU for 2021



Currently, 18.3% of the population in the EU are children (EU – Rights of the Child). As can be seen in Figure 1, migration is currently an urgent problem in the EU countries, which entailed trafficking with children, which has a naive percentile of 38%, and this subsequently led to sexual slavery and violence of children. It should be noted that all factors are interrelated with each other. For the same reason, the fight must be waged in all sectors at the same time.

Mechanisms for the protection of children's rights in Kazakhstan: Legislative and regulatory framework

The Republic of Kazakhstan signed and unconditionally ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on July 4, 2000. On July 4, 2001, the Sale of Children, Child Prostitution, and Child Pornography Optional Protocol to the Convention on the Rights of the Child was signed and approved.

Since 1992, there has also been an ongoing collaboration with UNICEF, the UN Children's Fund. Under the context of a program established by the Government of the Republic of Kazakhstan and the United Nations, the Foundation offers vaccinations, financial help, societal advancement, and the introduction of

cutting-edge social technology in the interests of children and families.

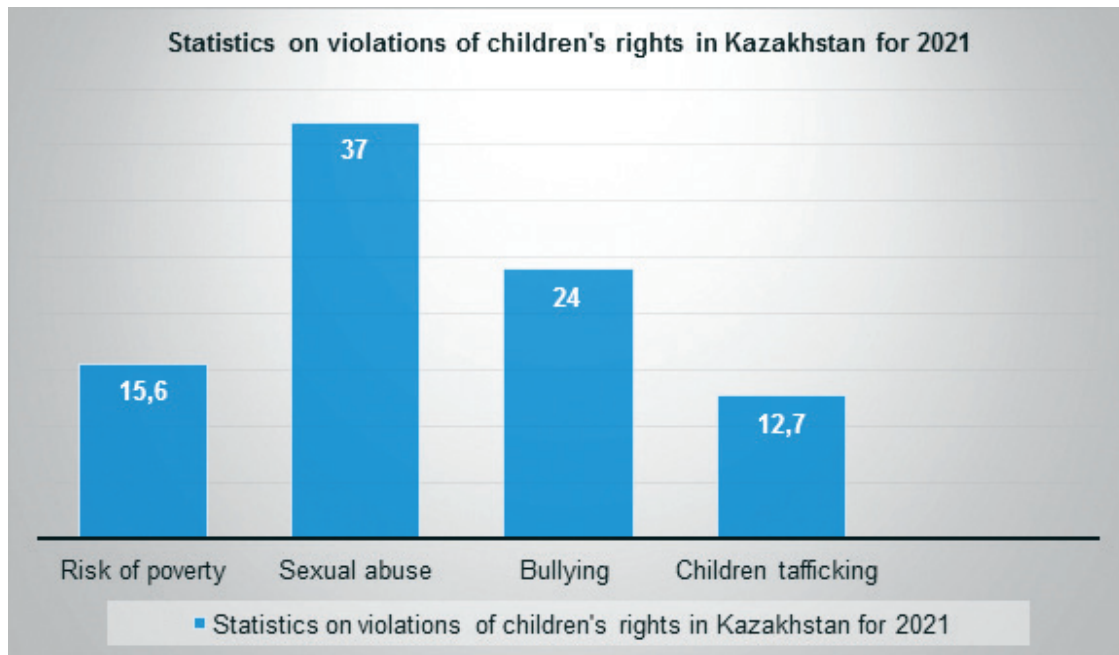
The creation of the Committee on the Rights of the Child enables for global monitoring of national laws' implementation developments in the field of children's rights protection, which is the Convention's most important contribution.

The Republic of Kazakhstan asserts itself as a democratic, secular, legal, and social state, the greatest values of which are a person, his life, rights, and freedoms, according to paragraph 1 of Article 1 of its Constitution (the Constitution of the Republic of Kazakhstan).

Hence, a person's life, rights, and freedoms are given precedence under the nation's fundamental law. Naturally, this constitutional tenet is taking on greater significance for State institutions. The constitutional legal underpinnings of a minor's position, regrettably, have not found a distinct (special) consolidation in the Constitution of the Republic of Kazakhstan, according to a number of experts who recognize the Constitution's importance from a legal standpoint [14]. These legislative oddities do not clarify the legal status of children and minors.

However, crimes against the sexual integrity of minors are the main issue for Kazakhstan. The Republic of Kazakhstan's Ministry of Internal Affairs reports a sharp rise in the frequency of such crimes in recent years. See Figure 2.

Figure 2. Statistics of violations of children's rights in Kazakhstan for 2021



In this respect, in his Message to the People of Kazakhstan dated September 2, 2019, the Head of State ordered to strengthen laws in the area of protecting children's rights from violence. The bill "On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Improving Criminal, Criminal Procedure Legislation and Strengthening the Protection of Individual Rights" was already signed by the head of state on December 27, 2019. The "Rape" and "Violent actions of a sexual nature" provisions of Articles 120 and 121 of the Criminal Code were tightened by the bill. They again moved from the medium category to the severe category with imprisonment from 5 to 8 years.

Additionally, committing serious sexual crimes against children carries a punishment of 20 years in jail or a life sentence without remission. The killing of small children carries a comparable punishment.

There are no reconciliations in these situations, as was also indicated by the change from one group to another. It should be remembered that previous rape fell into the category of mild severity, and more than half of the cases never made it to court because of reconciliation, which frequently took place under pressure from the victims.

In addition, for non-reporting, concealment and falsification of facts of pedophilia (Articles

416, 432, 434 of the Criminal Code), the maximum sentence is up to 6 years in prison [15].

As a result, according to the Prosecutor General's Office of the Republic of Kazakhstan, a year after the President's instruction to toughen penalties, the number of crimes of sexual violence decreased by 30% in the whole country, and the implementation of toughening penalties prevented the commission of such acts.

If we talk about NGOs, the council of non-governmental organizations, which included representatives of non-governmental organizations working in the field of childhood from all regions of the republic, was officially established only in 2011. Currently, the activities of civil society institutions are becoming increasingly important in the constitutional and legal mechanism for the protection of childhood in the Republic of Kazakhstan.

Currently, there are such NGOs in Kazakhstan as: "Dom mamy", "Union of Crisis Centers", "Semeynaya akademiya", "Zhanuya", "Pravo" etc.

But one of the leading funds at the moment is the fund "Ne molchi". The Foundation's main purpose is to assist in the formation of a civil society free from violence (sexual, physical, emotional, etc.) and any form of discrimination against women, men and minors, based on the principles of legality and justice, with equal opportunities

for the realization and protection of constitutional and personal rights and freedoms of a person and citizen of the Republic of Kazakhstan. The Foundation has been functioning officially only since 2017, nevertheless, in a very short time, thanks to the foundation, many children and mothers have been provided with various types of assistance.

Another issue in Kazakhstan is that a lot of people don't understand the difference between violence and nonviolence.

Question: and if a child is hit for educational purposes, is it violence?

Answer: yes, it is violence!

It is incorrect to see mild physical punishment as a teaching strategy. The most basic guideline is that you cannot harm or degrade children. It is simple, not because it is right. A child is simple prey to humiliation since he is defenseless and unable to respond. When the child grows up and gives back, returning what his parents invested in him with a belt or discipline, the parents are shocked. The development of any civilization is aimed at creating some kind of highly developed individual, a person in all respects. A child who has been abused or humiliated will later degrade his own children. Many rapists had childhood maltreatment. Those who experienced evil as children desire to avenge themselves in maturity.

Now let's look at the same situation in the EU countries. "Spanking children is not just a lesson in bad behavior; it is a powerful demonstration of contempt for the rights of a weak little person." - Thomas Hammarberg, Council of Europe Commissioner for Human Rights [16].

Violence is prohibited in homes, schools, prisons, and children's facilities in 22 of the Council of Europe's member states. For instance, since 2000, it has been against the law in Germany to physically harm children (and they even have the right to complain about their parents). The new law in France banning "ordinary educational violence" (violences éducatives ordinaires, or VEO) has been dubbed the "anti-slap" in the media and in daily life, despite the fact that it prohibits not only traditional slaps on the behind but also other types of slaps, screams, threats, and any statements that are humiliating to children. The law adopted by Parliament is an amendment to the French Civil Code, in its article 371-1. This article on parental rights and responsibilities is mandatory to be read in French marias when registering a marriage. From now on, the article is supplemented with the phrase that "parental authority / authority (l'autorité

parentale) is carried out without the use of physical or psychological violence" [17].

Kazakhstan should also take note of this EU practice. Since violence at home and at school is the norm in this country.

Also in Kazakhstan, the prerequisites for the violation of children's rights are the devaluation of children's complaints. Many parents do not attach importance to the needs of their children, which subsequently leads to tragic events. The State also does not conduct periodic conversations with children. A virtual parliament building was created online for the children's parliament that exists in Finland, for instance. Regardless of the time of day or their domicile, this structure offers a location for representatives to communicate and further their operations. The Children's Parliament's council and committees convene regularly in the chat rooms to talk about topics that interest them and plan for upcoming plenary sessions. Children's Parliament members reply to research findings provided by political leaders, engage in online debate on their own discussion boards, and have online plenary sessions every two weeks. Each youngster has a face-to-face meeting with the Council.

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

But generally speaking, the author thinks Kazakhstan has established a model of national policy for the defense of children's rights. Legislation has been passed, and international agreements have been ratified. As a result of our nation's efforts to meet international standards, the situation has improved. The KidsRights index provides proof of this. See table 1.

The KidsRights Index is the first and only worldwide index that evaluates each year how well children's rights are upheld globally and how dedicated nations are to advancing those rights.

The KidsRights Index is a project of the KidsRights Foundation in association with the Erasmus School of Economics and the International Institute for Social Research at Erasmus University Rotterdam. As of 2022, the

Index comprises a total of 185 nations. It includes a rating of all UN member states that have signed

the UN Convention on the Rights of the Child for which there is sufficient data [18].

Table 1. The specific results of the KidsRights Index 2022

Countries	Rank	Score
Iceland	1	0.945
Potugal	11	0.875
France	12	0.873
Thailand	13	0.871
Latvia	14	0.866
Chile	15	0.863
Korea	16	0.861
Czechia	17	0.859
Italy	18	0.859
Cuba	19	0.849
Kazakhstan	20	0.842

As it can be seen from the table, Kazakhstan took the 20th place out of 185 countries. However, Kazakhstan still has a lot to grow and work on.

Conclusion

To guarantee that children are viewed as completely deserving of their rights and treated accordingly, strong political commitments, the provision of adequate resources, and widespread understanding of children's rights in society are required.

The EU has very strong mechanisms for protecting children's rights. The EU has many conventions that are fundamental legislative documents that do not limit themselves in industries where children's rights are violated.

The EU develops its own clear strategies and actively involves NGOs there. Non-governmental human rights organizations' work in the EU enhances the existing constitutional and legal safeguards for children's rights, encourages oversight of the State's operations, which is primarily in charge of upholding children's rights, and also helps find a comprehensive solution to the issue of child protection.

However, as it can be seen, even such a powerful association as the EU faces various challenges every year and to this day improves its strategies against the violation of children's rights.

In Kazakhstan, there are few conventions compared to the EU, but what is more upsetting is the lack of a strategic plan that must be implemented within a certain time. Kazakhstan would do well to adopt this experience from the EU to improve its mechanism.

Also, the role of NGOs has not yet become obsolete in Kazakhstan as in the European countries. The issue of interaction between non-governmental human rights organizations and State institutions remains problematic. NGOs do not have significant power to interfere in some of the affairs of the state and are not sufficiently funded, which may indicate their passivity.

1. Kazakhstan should consider the role of NGOs as well as their funding. It is required to find alternative sources of funding as charity. However, this should be decided at the legislative level.

2. Decentralization – predominance of centralized management. Kazakhstan should decentralize governance by creating several policies and give local administrators a tool to control the implementation of these policies.

3. Review the protection of the rights and legitimate interests of minor children at the legislative level.

4. Improve awareness of children's rights. For example, to create a platform where minors can familiarize themselves with their rights and implement these platforms in all institutions that deal with children.

5. Create more bodies, and hotlines where parents or children can contact in case of violation of their rights.

Therefore, today, more than ever, a concrete action program is needed, which should unite the efforts of all state bodies and public organizations in solving the issues of creating conditions for a decent standard of living for children and ensuring the real realization of their rights.

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М.М. Малгаждарова, Л.К. Ахметжанова

Л.Н.Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан

Балалар құқығын қорғаудың Еуропалық жүйесі: Қазақстан үшін тәжірибесі

Аңдатпа. Балалық шақты қорғау – мемлекеттің басты міндеттерінің бірі. Кәмелетке толмағандар өздерінің физикалық және психикалық дамуының ерекшеліктеріне байланысты адамдардың басқа санаттарына қарағанда әртүрлі жағымсыз әсерлерге бейім, бұл олардың жеке ауытқуын дамытуға негіз бола алады.

Қол жеткізілген жетістіктерге қарамастан, бүкіл әлемде балалардың құқықтары күн сайын бұзылады. Балаларды құқықтық қорғауда әлі де олқылықтар бар және заң мен тәжірибе арасында одан да үлкен алшақтық бар. Балалар әлі де отбасында, қоғамда, мекемелерде және басқа

жағдайларда зорлық-зомбылықтан зардап шегеді, кедейлік, адам саудасы, жыныстық зорлық-зомбылық қаупіне тап болады.

Осыған байланысты мақаланың негізгі мақсаты – ЕО мен Қазақстанда балалардың құқықтарын қорғау жөніндегі мемлекеттік саясатты қалыптастыру, дамыту және іске асыру механизмдерін және балалардың құқықтарын қорғау моделін айқындау болып табылады.

Әдістемелік негізі ретінде мыналар қолданылған: жалпы ғылыми, салыстырмалы, тарихи әдіс, нормативтік-құқықтық базаны талдау, статистикалық деректерді талдау, интернет-ресурстарды контент-талдау, мониторинг.

Мақалада ЕО мен Қазақстандағы балалардың құқықтарын қорғаудың негізгі тетіктері айқындалған, ЕО мен Қазақстандағы балаларды қорғау жөніндегі үкіметтік емес қоғамдық ұйымдардың қызметі мен ролі талданған.

Түйін сөздер: Балаларды қорғау, Еуропалық Одақ, Еуропа Кеңесі, Қазақстан, ҰЕҰ, ЮНИСЕФ, БҰҰ.

М.М. Малгаждарова, Л.К. Ахметжанова

Евразийский национальный университет им.Л.Н.Гумилева, Астана, Казахстан

Европейская система защиты детей: опыт для Казахстана

Аннотация. Защита детства – одна из главных задач государства. Несовершеннолетние, в силу особенностей своего физического и психического развития, более восприимчивы к различным негативным воздействиям, чем другие категории людей, что может стать основой для развития у них личностной девиации.

Несмотря на достигнутый прогресс, права детей ежедневно нарушаются во всем мире. По-прежнему существуют пробелы в правовой защите детей, и существует еще больший разрыв между законом и практикой. Дети по-прежнему страдают от насилия в семье, в обществе, в учреждениях и в других условиях, сталкиваются с риском бедности, торговли людьми, сексуального насилия.

В связи с этим основной целью статьи является определение механизма формирования, развития и реализации государственной политики по защите прав детей и определение модели защиты прав детей в Европе и Казахстане.

В качестве методологических основ для статьи были использованы: общенаучный, сравнительный, исторический метод, анализ нормативно-правовой базы, анализ статистических данных, контент-анализ интернет-ресурсов, мониторинг.

В статье также определены основные механизмы защиты прав детей в Европе и Казахстане, проанализирована деятельность и роль неправительственных общественных организаций по защите детей в ЕС и Казахстане.

Ключевые слова: Защита детей, Европейский Союз, Совет Европы, Казахстан, НПО, ЮНИСЕФ, ООН.

Information about the authors:

Malgazharova Meruyert Muratzhankyzy – The 2nd year Ph.D. student of the Faculty of International Relations, L.N. Gumilyov Eurasian National University, Astana, Kazakhstan.

Akhmetzhanova Leila Kamidullayevna – Candidate of Historical Sciences, Associate Professor of the International Relations Department, L.N. Gumilyov Eurasian National University, Astana, Kazakhstan.

Малгаждарова Меруерт Мұратжанқызы – халықаралық қатынастар факультетінің 2 курс докторанты, Л.Н.Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан.

Ахметжанова Лейла Камидуллаевна – тарих ғылымдарының кандидаты, халықаралық қатынастар кафедрасының доценті, Л.Н.Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан.

Малгаждарова Меруерт Мұратжанқызы – докторант 2 курса, факультет международных отношений, Евразийский национальный университет им. Л.Н. Гумилева, Астана, Казахстан.

Ахметжанова Лейла Камидуллаевна – кандидат исторических наук, доцент кафедры международных отношений, Евразийский национальный университет им. Л.Н. Гумилева, Астана, Казахстан.