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THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD TO LEGAL SYSTEM OF THE REPUBLIC OF KAZAKHSTAN

Abstract. Special significance in the study of the problems of the implementation of international law into national legislation is acquired in the context of the implementation of international standards in the field of juvenile rights. In the modern period, the problem of implementing the norms of the United Nations Convention on the Rights of the Child, adopted by General Assembly resolution 44/25, opened for signature in the city of New York on November 20, 1989, and other international treaties into the national legislation of the Republic of Kazakhstan is being actualized. This article monitors and analyzes the practical realization of the International Acts on protection the interests and rights of the child, ratified in the Republic of Kazakhstan, and other documents concern the Juvenile Justice System. The research accomplished in the context of the entire array of the current Law System of the Republic of Kazakhstan, focused on the implementation the international standards for the protection of Human Rights in general and particular in the Rights of the Child. Basing on the Civil Law legislation of the Republic of Kazakhstan, criteria are considered for the legal capacity of minors. The civil procedural capacity of minors is analyzed on the basis of the Civil Procedure Code. The principle of the best safeguarding of children's rights, the need for its primary consideration in activities related to children, is enshrined in codified and other laws of the Republic of Kazakhstan, in which state policy in the interests of children is recognized as a priority area of activity of state authorities. In accordance with the aim of the study, the problem of the implementation in the national legislation of the norms of the United Nations Convention on the Rights of the Child is analyzed.

Key words: minor, rights, convention, implementation, Convention on the Rights of the Child.

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Қазақстан Республикасының заңнамасына Бала құқықтары туралы Конвенцияның нормаларын имплементациялау

Аңдатпа. Халықаралық құқықтың ұлттық заңнамаға имплементациялау мәселелерін зерделеу жағынан кәмілетке толмағандардың құқықтары саласындағы халықаралық стандарттарды қолдану тұрғысы ерекше маңызға ие. Қазіргі заманда 1989 жылы 20 қарашада Нью-Йорк қаласында қол қою үшін ашылған, Біріккен Ұлттар Ұйымының Бас Ассамблеяның 44/25 резолюциясымен қабылданған, Бала құқықтары туралы Конвенцияның нормаларын және басқа да халықаралық шарттарды Қазақстан Республикасының ұлттық заңнамасына имплементациялау мәселесі өзектелуде. Бұл мақалада балалардың мүдделері мен құқықтарын қорғау жөніндегі Қазақстан Республикасында ратификацияланған халықаралық актілердің, ювеналды әділет жүйесіндегі басқа да құжаттардың, іс жүзінде орындалуы жөнінде мониторинг және талдау жасалды. Талдау Қазақстан Республикасының қолданыстағы заңнамасының тұтастай алғанда адам құқықтарын, атап айтқанда, баланың құқықтарын қорғаудың халықаралық стандарттарын имплементациялауға бағытталған барлық жағдайларында жүргізілді. Қазақстан Республикасының Азаматтық құқық нормаларына сүйене отырып, кәмілетке толмағандардың

әрекетке қабілеттілігінің өлшемшарттары қарастырылады. Азаматтық іс жүргізу кодексі негізінде кәмелетке толмағандардың азаматтық іс жүргізудегі әрекет қабілеттілігі талданады. Балалардың құқықтарын қамтамасыз етудің үздік қағидаты, балалармен байланысты іс-шараларда оны бірінші кезекте қарау қажеттілігі кодификацияланған және Қазақстан Республикасының басқа да заңдарында бекітілген, мұндағы мемлекеттік билік органдарының қызметінің басымдықты саласы ретінде балалар мүдделері жөніндегі мемлекеттік саясаты танылады. Зерттеу мақсатына сәйкес Қазақстан Республикасының заңнамасына Біріккен Ұлттар Ұйымының Бала құқықтары туралы конвенциясының ережелерін енгізу мәселесі талданды.

Түйін сөздер: кәмелетке толмағандардың құқықтары, конвенция, имплементация, Бала құқықтары туралы Конвенция.

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Имплементация норм Конвенции о правах ребенка в законодательство Республики Казахстан

Аннотация. Исследование проблематики имплементации норм международного права в национальное законодательство особую значимость приобретает в контексте реализации международных стандартов в области прав несовершеннолетних. В современный период актуализируется проблема имплементации норм Конвенции Организации Объединенных Наций о правах ребенка, принятой резолюцией 44/25 Генеральной Ассамблеи, открытой для подписания в городе Нью-Йорк 20 ноября 1989 года, и иных международных договоров в национальное законодательство Республики Казахстан. В данной статье осуществлен мониторинг и анализ практической реализации международных актов по защите интересов и прав детей, ратифицированных в Республике Казахстан, и иных документов в системе ювенальной юстиции. Анализ осуществлен в контексте всего массива действующего законодательства Республики Казахстан, ориентированного на имплементацию международных стандартов по защите прав человека в целом и прав ребенка в частности. На основе норм Гражданского законодательства Республики Казахстан рассмотрены критерии дееспособности несовершеннолетних. Гражданско-процессуальная дееспособность несовершеннолетних проанализирована на основе Гражданско-процессуального кодекса. Принцип наилучшего обеспечения прав детей, необходимость его первоочередного учета в мероприятиях, касающихся детей, закреплен в кодифицированных и других Законах Республики Казахстан, в которых государственная политика в интересах детей признается приоритетной областью деятельности органов государственной власти. В соответствии с целью исследования проанализирована проблема имплементации в законодательство Республики Казахстан норм Конвенции Организации Объединенных Наций о правах ребенка.

Ключевые слова: несовершеннолетний, права, конвенция, имплементация, Конвенция о правах ребенка.

Introduction

The problem of the implementation of international law into domestic law does not lose its actuality primarily in connection with the application of international law in national courts. (Ferdinandusse Ward N. 2006: 36) There are solid developments of this problem in the modern legal literature of foreign countries (McDonald R.St. J., 1979: 220-223; Nuotio Kimmo, 2002; Scheinin Martin, 1996, Джебрин Джабер Джебрин, 1984). Various aspects of the problems were studied in

the works of Russian researchers: the mechanism of national legal implementation of rules of international law in the Russian Federation (Lafitsky, 2009, Rykhtikova, 2006), the procedure for the implementation of international legal norms in the criminal law of the Russian Federation (Vdovin, 2006), main directions of interaction between international and national systems (Gavrilov, 2006), the development of American jurisprudence about interaction of international and domestic law (Ginzburg, 1994), the impact of international law to national criminal law (Dodonov, 2009), questions

of correlation of national and international criminal law (Yezhov, 2005, Inogamova-Khegai, 2007)

In the Republic of Kazakhstan, the problems of the implementation of international law into national legislation are not sufficiently studied. The study gains particular importance in the context of the implementation of international standards in the area of juvenile rights.

The purpose of this study is to substantiate the practical problems of implementing the norms of the international Convention on the Rights of the Child in the national legislation of the Republic of Kazakhstan.

Research methodology

Based on a systematic approach, the authors of the study monitor and analyze the practical realization of the International Acts on protection of the interests and rights of the child, ratified in the Republic of Kazakhstan, and other documents concerning the Juvenile Justice System. The analysis was carried out in the context of the entire array of the current Law System of the Republic of Kazakhstan, focused on the implementation of the international standards for the protection of Human Rights in general and particular in the Rights of the Child. The institutional approach and the method of qualitative analysis made it possible to analyze the implementation of the norms of the Convention on the Rights of the Child into content of legal and regulatory acts of the Republic of Kazakhstan. General and special research methods were used in the work.

Discussion

On June 8, 1994, Kazakhstan ratified the international Convention on the Rights of the Child, adopted and open for signature, ratification and accession by the UN General Assembly resolution 44/25 of November 20, 1989. Kazakhstan also acceded to the Convention on the Recovery Abroad of Maintenance (1999); The ILO Minimum Age Convention (2000); two Optional Protocols to the Convention on the Rights of the Child to increase the protection of children from involvement in armed conflicts and from sale, prostitution and pornography (2002), The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2002).

November 2005 Kazakhstan ratified the International Covenant on Civil and Political

Rights and in 2009 ratified its Optional Protocol which allows citizens to submit individual complaints to the UN Human Rights Committee. In 2005 Kazakhstan ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, signed in New York City on March 21, 1950 and its Final Protocol. In 2008 Kazakhstan acceded to the Optional Protocol to the Convention against Torture ratified in 1998. Kazakhstan has also ratified the UN Convention against Transnational Organized Crime, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Worst Forms of Child Labour Convention, 1999. Kazakhstan acceded to the Protocols Additional to the Geneva Conventions of August 12, 1949, concerning the protection of victims of non-international armed conflicts, which prohibits slavery and the slave trade in all their forms. The Republic of Kazakhstan has ratified the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (2010), the Convention on the Civil Aspects of International Child Abduction (2012).

In recent period become actual the issue of implementing the provision of the Convention on the Rights of the Child, adopted by General Assembly resolution 44/25, open for signature in the city of New York on November 20, 1989, and other international treaties in the national legislation of the Republic of Kazakhstan. The Convention on the Rights of the Child entered into force on September 2, 1990, and ratified by the Resolution of the Supreme Council of the Republic of Kazakhstan on June 8, 1994 No. 77.

International treaties ratified by the Republic of Kazakhstan include the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Law of the Republic of Kazakhstan from July 4, 2001 No. 221-II of ratification the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (Law of the Republic of Kazakhstan from July 4, 2001 No. 219-II of ratification the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography). The normative provisions of International Acts ratified by Kazakhstan are additional guarantees for implementation of the principles of the Convention on the Rights of the Child with respect to the rights,

freedoms and interests of children, providing them with access to justice.

According to the provision of Article 1 of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier (Convention on the Rights of the Child 1989). Therefore the Convention prescribes the possibility of establishing the age of majority below 18 years based on the principles of the Convention (optimal providing the interests of the child and non-discrimination). The Law System of the Republic of Kazakhstan complies with the provisions of the Convention both in determining the definition of the child and in establishing the age of majority.

As for the age of responsibility of a minor for certain offenses, as well as his legal and procedural legal capacity, the legislator approaches differentially, taking into account rule 4.1. of United Nations Standard Minimum Rules for the Administration of Juvenile Justice. The lower limit of this age should not be set at a too low age level, taking into account aspects of emotional, spiritual and intellectual maturity. In accordance with Paragraph "A" Part 3 of Article 40 of the Convention on establishment of a minimum age below which children are considered unable to violate criminal law, the following provisions are indicated in the criminal legislation of the Republic of Kazakhstan. Only a sane individuals who reached the age established by the Article 15 of the Criminal Code shall be subject to criminal responsibility. According to the Part 1 of given Article sane individual, reached the age of sixteen at the time of the commission of a criminal infraction shall subject to the criminal responsibility. According to the Part 2 of given Article Persons, reached the age of fourteen at the time of the commission of a crime shall subject to a criminal responsibility for murder (Article 99), intended infliction of grievous harm to health (Article 106), intended infliction of medium-gravity harm to health under aggravating circumstances (second part of Article 107), sexual assault (Article 120), sexual battery (Article 121), kidnapping (Article 125), attack against persons or organization, enjoying international protection (Article 173), inciting social, national, ethnic, racial, class or religious discord (Article 174), infringement on life of First President of the Republic of Kazakhstan – Leader of the Nation (Article 177), infringement on life of the President of the Republic of Kazakhstan (Article 178), diversion (Article 184), theft (second, third and fourth part of Article 188), robbery (second, third and fourth part of Article 191), robbery with violence (статья 192),

blackmailing offenses (second, third and fourth part of Article 194), misappropriation of car or other means of transport with no intent of stealing under aggravating circumstances (second, third and fourth part of статья 200), intentional destruction or damaging another's property under aggravating circumstances (second and third part of Article 202), an act of terrorism (Article 255), promotion of terrorism or public call for commission of an act of terrorism (Article 256), creation, managing a terroristic group and participation in its activity (first and second part of статья 257), financing of terrorist or extremist activity and other aiding to terrorism or extremism (Article 258), hostage taking (статья 261), attack against building, construction, means of transportation and communication or their seizure (Article 269), knowingly false message on act of terrorism (Article 273), theft or extortion of weapons, ammunition, explosive substances and explosive devices (Article 291), hooliganism under aggravating circumstances (second and third part of Article 293), vandalism (статья 294), stealing or extortion narcotic drugs, psychotropic substance, their analogues (Article 298), desecration of the dead bodies and burial places under aggravating circumstances (second part of Article 314) and intentional disablement of means of transport or ways of communication (Article 350) (The Criminal Code of the Republic of Kazakhstan, 2014).

Exceptions to the above age criteria are indicated in Part 3 of Article 15 – if the minor has attained the age provided by first or second part of this Article, but in consequence of gap of mental development, not related with mental disease, during commission of criminal infraction could not be fully aware of the actual nature and social danger of his (her) actions (omission) or control them, he (she) shall subject to criminally responsibility (The Criminal Code of the Republic of Kazakhstan, 2014).

The civil legislation of the Republic of Kazakhstan established the following criteria for the legal capacity of minors. Firstly, the minors from the age of fourteen and eighteen years may independently conclude only petty daily transactions that are appropriate to their age and executed at the time of their completion. All other transactions are performed by legal representatives, unless other is provided by legislative acts. Secondly, the minors from the age of fourteen and eighteen years are entitled to make transactions with the consent of their legal representatives. Thirdly, the minors from the age of fourteen and eighteen years may independently dispose their salary, scholarships, other income and the objects of intellectual property

rights created by them, as well as to make petty daily transactions. They shall be held responsible for any harm caused by their acts (Article 22 of the Civil Code). Fourth, a minor who has reached the age of 16 may be declared emancipated if he (she) works under an employment contract or with the consent of his (her) legal representatives is engaged in entrepreneurial activities (Article 22-1 of the Civil Code). Fifthly, in some cases legislative acts may establish cases where the commitment of a transaction by a minor and on behalf of a minor shall require prior consent of the guardianship or sponsorship authorities (Article 24 of the Civil Code).

The civil procedural capacity of minors is defined in the Civil Procedure Code, three age criteria for the civil procedural capacity of individuals are identified: 1) reaching the age of 18 (Part 1 Article 46) 2), minors from the age fourteen to eighteen years are protected in court by their parents or other legal representatives. In such cases the court shall be obliged to involve the underage persons themselves and prosecutor. However, in cases stipulated by law, upon the cases related to distribution of salary or income received from business activities, the underage persons from fourteen to eighteen years old have right to defend their rights and legitimate interests in the court by themselves. Involvement of legal representatives of the underage persons to render support to them depends on the court discretion; 3) minors under the age of fourteen are represented in court by their legal representatives and the prosecutor (The Civil Procedure Code of the Republic of Kazakhstan, 2015).

Part 2 of the Article 43 of the Law of the Republic of Kazakhstan on the Rights of the Child contains a provision that the rights and interests of minor children protected by the Law at the age from fourteen to eighteen years shall be protected by their legal representatives with the exception of cases when the legislation of the Republic of Kazakhstan provide the right of a minor child to enter into civil, family, labour and other legal relations and protect own rights and interests on an independent basis.

Paragraphs 1 and 2 of Article 67 of the Code of the Republic of Kazakhstan on Marriage (Matrimony) and Family regulate the minor's right to independently appeal to the court to protect their rights and legitimate interests when they reach the age of 14 years.

Must be noted the fact that this norm is not working on national legislation, declarative. The law does not provide a mechanism for the realization of such right and the participation of a minor in trial.

The child is not granted the right to protect his rights in case of violation of his rights, freedoms and legitimate interests by actions (inaction) and decisions of officials and others, in addition to parents and legal representatives.

In accordance with Part 1 of Article 65 of the Code on Administrative Offenses, administrative responsible shall be incurred by persons who, by the theminors who at the time of committing an administrative offence was sixteen, but under eighteen years of age.

The UN Convention on the Rights of the Child contains regulation of comprehensive international principles:

- Juvenile Justice legislation should apply to all persons under the age of 18;

- Juvenile Justice is an integral part of the national development of the state and as such requires sufficient resources so that Juvenile Justice can be organized in accordance with international principles;

- the principle of non-discrimination and equality is apply in Juvenile Justice System, and this prevent the discrimination against the child and his(her) family (Article 2 of the Convention on the Rights of the Child);

- fundamental principle of any Juvenile Justice Policy is the best interests of the child shall be a primary consideration (paragraph 1 Article 3 of the Convention);

- delays in resolving issues related to the child are contrary to the best interests of the child (paragraph (d) of Article 37 and paragraphs 2 (b) (ii) and 2 (b) (iii) of Article 40 of the Convention);

- every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age (paragraph (c) of Article 37 of the Convention);

- in all stages child should be treated in a way of promoting the child's reintegration and the child's assuming a constructive role in society (paragraph 1 Article 40);

- the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child (Articles 12,13 of the Convention);

- the child shall have the right to freedom seek, receive and impart information concerning the Juvenile Justice System in a form accessible to child and appropriate to the needs of child (article 13 of the Convention and principle 11 (b) of the

Guidelines for Action for Children in the Criminal Justice System);

- Juvenile Justice should be organized in such a way as to comply with the rights of the child to privacy, family, home and correspondence (article 16 of the Convention);

- a child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance (paragraph 1 Article 20);

- no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37 of the Convention and Rule 87 (a) of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty);

- no child shall be deprived of his or her liberty unlawfully or arbitrarily (paragraph (b) Article 37 of the Convention);

- the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time (paragraph (b) Article 37 of the Convention);

- parents must be notified of any detention, imprisonment, exile, deportation or death of their child (Paragraph 4 Article 9 of the Convention and Rule 56 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty).

Under the Convention initiated an international mechanism for monitoring the implementation of the provisions of the Convention as the Committee on the Rights of the Child. It is authorized to review periodically (every 5 years) the reports of States on the measures on implementation the provisions of the Convention (Article 44). In addition, Article 45 provides that the Committee is the coordinator of international cooperation to achieve the goals set in the convention. One of the main innovations is the provision according to which States Parties shall make their reports widely available to the public in their own countries (Paragraph 6 Article 44).

The preamble and contents of Articles 2-4 of the Convention on the Rights of the Child States Parties oblige to take all necessary measures to ensure that the child is protected from all forms of discrimination or punishment, to provide the child protection and care as is necessary for well-being. Due to this States Parties shall provide all appropriate legislative administrative and other measures to exercise the rights recognized in the Convention. Given provision comply with Paragraph 1 Article 27 of the Constitution of the Republic of Kazakhstan. This Article regulates the provision that marriage and family, motherhood, fatherhood and childhood

are protected by the State. The Law of the Republic of Kazakhstan on the Rights of the Child from August 8, 2002 details noted provision of the UN Convention and the Constitution of the Republic of Kazakhstan in the content of Chapter 2. State Policy in the interests of Child which regulates the goals of State Policy, the empowerment of State Authorities to protect the Rights of the Child, the Status of the Commissioner on the Rights of the Child.

The Constitution also contains provisions that Kazakhstan accepts the obligation that human rights and freedoms in the Republic of Kazakhstan shall be recognized and guaranteed (Paragraph 1 Article 12), everyone shall have the right to be recognized as subject of the law and protect his rights and freedoms with all means not contradicting the law including self-defense (Paragraph 1 Article 13), everyone shall have the right to judicial defense of his rights and freedoms (Paragraph 2 Article 13), the equality of everybody before the law and court (Article 14), the inadmissibility to restrict the rights and freedoms provided in Articles 10, 11, 13-15, Paragraph 1 of Article 16, Articles 17, 19, 22, Paragraph 2 of Article 26 of the Constitution (Paragraph 3 Article 39) and others. The Law of the Republic of Kazakhstan on the Rights of the Child from August 8, 2002 detailed the specified provisions of the UN Convention and the Constitution of the Republic of Kazakhstan in Chapter 8. Protection of the rights and interests of the child protected by law, Chapter 9. Features of the child's responsibility and impact on his behavior.

The procedure for normative consolidation and protection the rights of the child should be in a logical sequence from the UN Convention on the Rights of the Child to the Constitution of the Republic of Kazakhstan, furthermore it should be expressed in industry legislation and acts of State Authorities: a logical relationship shall lead to the most complete realization of the rights and legitimate interests of minors, as well as the full potential of the Constitution of the Republic of Kazakhstan in industry legislation. The Constitution of the Republic of Kazakhstan does not contain any contradictions with the Convention on the Rights of the Child. At the same time, the becoming urgent the problem of providing more perfect and optimal mechanism for protecting the rights of minors based on constitutional and legal rules and captured in the Government sectoral legislation.

The principles and provisions of the Convention on the Rights of the Child and other international legal acts are implemented not only in the main Law of the State and the special Law on the Rights of the Child, but also in the content of following regulatory

legal acts that establish and ensure the Rights and interests of Child (political, social economic , cultural and others), as well as the legal basis for applying for judicial protection:

A) Laws of the Republic of Kazakhstan: “On the Rights of the Child in the Republic of Kazakhstan” dated August 8, 2002 No. 345-II, “On the prevention of juvenile delinquency and the prevention of child neglect and homelessness” dated July 9, 2004 No. 591, “On prevention of offenses” dated April 29, 2010 No. 271-IV, “ On Prevention of Domestic Violence ”dated December 4, 2009 No. 214-IV,“ On Family type Children’s Villages and Youth Houses ”dated December 13, 2000 No. 113-II , “On amendments and additions to some Legislative Acts of the Republic of Kazakhstan on Issues of securing protection of the Rights of the Child ”dated November 23, 2010 No. 354-IV,“ On amendments and additions to Some Legislative Acts of the Republic of Kazakhstan on the Improvement of the Activities of the Internal Affairs authorities in the field of Public Safety ”dated December 29, 2010 No. 372-IV , “On the Procedure and Conditions for the Detention of Persons in Special Institutions Providing Temporary Isolation from Society” dated March 30, 1999 No. 353-I, “On Mediation” dated January 28, 2011 No. 401-IV; “On amendments and additions to some Legislative Acts of the Republic of Kazakhstan on Mediation” dated January 28, 2011 No. 402-IV; “On amendments and additions to some Legislative Acts of the Republic of Kazakhstan on the Issues of Probation Service” dated February 15, 2012 No. 556-IV; “On the Citizenship of the Republic of Kazakhstan” dated December 20, 1991 No. 1017-XII; “On State Youth Policy in the Republic of Kazakhstan” dated February 9, 2015 No. 285-V; The Law of the Republic of Kazakhstan dated October 31, 2015 No. 378-V “On amendments and additions to some Legislative Acts of the Republic of Kazakhstan on the Improvement of the System of Administration of Justice”; The Law of the Republic of Kazakhstan dated April 9, 2016 No. 501-V “On amendments and additions to some Legislative Acts of the Republic of Kazakhstan on the Protection of the Rights of the Child”; The Law of the Republic of Kazakhstan dated December 30, 2016 No. 38-VI “On Probation” and other acts;

B) Codes (acts) containing special sections (chapters), as well as separate rules guaranteeing minors access to justice:

Articles 22-25 of the Civil Code (General part) from December 27, 1994,

Articles 925, 926, 927, 939, 940, 941 of the Civil Code (Special Part) from July 1, 1999 No. 409-1;

Chapters 5 Protection of the health of citizens, 9-1 The main provisions of the national preventive mechanism of the Code of the Republic of Kazakhstan on Human Health and the Healthcare System” dated September 18, 2009 No. 193-IV;

Chapters 10, 13. 25. State registration of the birth of a child and other from the Code on Marriage (Matrimony) and Family, dated December 26, 2011 No. 518-IV;

Chapter 33-1.Proceedings the cases concerning the place of minors in special educational organizations or organizations with special treatment regimes, Chapter 36-1. Proceedings of applications for adoption of a child, Articles 27, 45, 206, Paragraph 3-1, Part 1, Article 289, Civil Procedure Code from October 31, 2015 No. 337-V;

Chapter 9.Administrative responsibility of minors, Chapter 12. Administrative offenses that infringe on the rights of minors of the Code of the Republic of Kazakhstan on Administrative Offenses from July 5, 2014 No. 235-V;

Chapter 6.Criminal liability of minors (Articles 80-90), Chapter 2. Crimes against the family and minors (Articles 132-144), as well as Article 15, Part 2 Article 47, Part 1 Article 63, Part 2 Article 64, Part 8 Article 72, Part 2 of Article 73, Part 2 of Article 76, Part 5 of Article 77, Part 2 of Article 170 of the Criminal Code of the Republic of Kazakhstan dated July 3, 2014 No. 226-V;

Chapter 56. Proceedings in cases of Juvenile Crime (Articles 530-545), Part 5 of Article 35, Part 1 Article 64, Part 3 Article 40, Paragraph 2 Part 1 Article 44, Part 3 Article 53, Part 2 Article 72, Part 2 Article 75, Part 2 Article 76, Part 2 Article 131, Paragraph 4 Part 1 Article 137, Article 144, Part 1 Article 215, Part 1 Article 154, Part 5 Article 157, Part 8 Article 178, Article 187, Article 215, Part 13 Article 220, Articles 307,315, 317, 371, Part 5 Article 390, Part 1 Article 414, Part 5 Article 428, Part 1 Article 447, Article 541 of the Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014 No. 231-V;

Chapter 23.Special aspects of serving the sentence of imprisonment by minors, as well as Articles 20, 69, 169, 174 and others from the Criminal Executive Code of the Republic of Kazakhstan dated July 4, 2014 No. 234-V;

Articles 31, 69, 76, 77 of the Labor Code of the Republic of Kazakhstan dated November 23, 2015 No. 414-V.

Conclusion

The main principles of protecting the Rights of the Child reflected in Paragraphs 98–121 of the

Inception Report on Implementation the Convention in 2003 and Paragraphs 90–95 of the Second and Third Periodic Reports on implementation the Convention on the Rights of the Child by the Republic of Kazakhstan in 2007, and the Fourth Periodic Report on implementation the Convention on the Rights of the Child by the Republic of Kazakhstan in 2011.

The principle of best providing the Rights of the Child and necessity for its primary consideration in activities related to children captured in codified and other Laws of the Republic of Kazakhstan as on the Rights of the Child in the Republic of Kazakhstan”, “On education”, “On Social and Medical-Pedagogical Correctional Support for children with Limited Opportunities ”, the Labor Code of the Republic of Kazakhstan, the Code of the Republic of Kazakhstan on Human Health and Healthcare System ” where the State Policy with interests of children recognized as a priority area of Public authorities. The Priority Principle of the best Rights of the Child is recognized as a priority in Public authorities work. According to the provisions of the Code of the Republic of Kazakhstan “On Marriage (Matrimony) and the Family”, the Law “On Education”, parental rights cannot be exercised in conflict with the interests of children. Otherwise, parents are responsible in the manner prescribed by Law. Similar requirements apply to persons replacing parents that are tutors and foster carers. Corporal punishment prohibited in education organizations. In education institutions educator shall be prosecuted under the legislation

of the Republic of Kazakhstan for the violation of duties and ethics (Suleimenova, 2011).

In this way Kazakhstan take efforts to implement to the Legal System and in practice of the Republic of Kazakhstan the Provisions of International Legal Acts: about 60 international documents relating to human rights have been ratified, of which more than 15 relate to the protection of children’s rights (the Government of the Republic of Kazakhstan dated September 29, 2014 No. 1038).

Since June 2014, within the framework of Agreement on Cooperation between the Government of the Republic of Kazakhstan and the UN Children’s Fund (UNICEF), for workout the recommendations on divergence, probation, alternative sentences and the pre-trial stage of juvenile cases consummated the three-year Program on Improving the Justice System for children and protecting their Rights in the Republic of Kazakhstan.

Since the submission by Kazakhstan the Inception Report in 2003 on implementation the Convention on the Rights of the Child, the further development of legislation to ensure the Rights and Interests of children carried out in order to more fully comply with the Principles and Provisions of the Convention and provide legal conditions for the prevention of social problems of a Child [2]. General Principles and Rules of the Convention implemented in the Constitution and legislation of the Republic of Kazakhstan. The Principle of the best Protection the Rights of the Child recognized as the priority direction of Public Authorities.

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