

## **ABSTRACT**

**Dissertation for the Degree of Ph.Dissertation (PhD) in the Specialty  
6D030100, “Jurisprudence”**

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**“Legal Mechanism of minors political rights safeguarding in the Republic  
of Kazakhstan: problems and development prospects”**

**Research rationale.** Children safeguarding, their right to a dignified life and development still remains as one of the sensitive issues for the modern Kazakhstan. Last year headline-making examples make it possible to state that despite the tremendous set of the legal, social and other measures, children are still the vulnerable group of citizens. Danger to life and bodily integrity, insufficient social protection still exist, in some aspects they even worsen despite the efforts and actions taken.

Along with the listed problems, to our opinion, other issues are becoming actual as well, issues ensuring the children’s right to participate in making-decisions about their own future and present life, the right to petitions to the governmental authorities, the right to receive the information, the right to be protected from the destructive information, the right to associations and other rights which in the legal literature are commonly referred to as the political rights. Being aware that major part of conclusions and findings listed in this study may induce a mixed reaction among the public servants, educational institutions, and individual public members, we believe that it is relevant to remember that:

First: Number of the Kazakhstani population keeps on increasing. According to the data of the Statistical Committee of the Republic of Kazakhstan, in 2019 the population of the Republic of Kazakhstan is 18.811 million, where the number of children under 15 years of age is 4.012 million (21.6%), whilst the rise in births is expected which is forecasted to be 790 people a day, and the potential replacement rate is 30.4%. In early 2018, more than 5.7 million children from 0 to 17 years of age lived in Kazakhstan. It is stated in the National Report “Youth of Kazakhstan - 2018” that “According to the Statistics Committee, as of the beginning of 2017 the number of young population 14-28 years of age was 3,994,393 people (22.3%) of the total population of Kazakhstan. ... As of the beginning of 2017, age structure of the Kazakhstani young people is represented by three groups: juniors (14-18 years) – 1,116,126 people (27.9%), middle age group (19-23 years of age) – 1,284,937 people (32.3%), and seniors (24-28 years of age) - 1,593,330 people (39.9%) which is the largest one in terms of numbers”.

This statistics demonstrates an increase in the number of children and young people in Kazakhstan which specific proportion cannot be ignored; their number almost form more than 30% of the Kazakhstani population, and their number is increasing. Together with realizing the fact that children are the future of the country and a nation, these indices refresh the need for comprehensive and system approach for developing and delivering the state policy on educating and protecting the rising young generation.

Second: Children and youth must be considered not only as a demographic group, but as a social-psychological population group which has a special status, moral condition, as well as the education level and quality which ultimately should have an effect on each and any social relations, production of the material values and non-material benefits. It is pointed out in the National Report “Youth of Kazakhstan - 2019”: “Youth is the most important socio-demographic group which considerably determines the future of the country by virtue of its special status. What the implementation progress of the socio-economic modernization will be in the nearest decades directly depend on the factors of its socialization. It will be the young generation to implement the reforms, and in the future they will have to analyze and execute the new national development strategy”.

Natural replacement of a generation by generation is a continuous and uninterrupted process which raises an issue of quality of the rising young generation, their ability for making right decisions. Cultivation of responsibility for the actions taken must be developed from an early age, mainly through enabling children to express their viewpoints, participate in the discussions and solving issues regarding their vital activities, demonstrate a meaningful initiative at a micro-level and in broader aspects, where practical.

Further directions for development of the modern effective state have been determined in the Address of the President, Kassym-Jomart Tokayev to the Nation of the Republic of Kazakhstan, “Constructive Public Dialogue – the Basis of Stability and Prosperity of Kazakhstan” dated September 02, 2019, including “through a constant dialogue between the Government and society can a harmonious state be built in the context of modern geopolitics. Therefore, it is necessary to maintain and strengthen the civil society, to involve it in the discussion of the most urgent national tasks in order to solve them”. This viewpoint of the President is supported by his further intentions as expressed in an interview given to Euronews: “My political priority is to attract young people to power, to help in solving issues of national importance. Of course, representatives from protest movements will be invited, so we can solve issues at a round table, not on the streets in an atmosphere of unrest and chaos”. In this respect, it is important to analyze the baseline current condition of interaction between the government and youth, the development problems and prospects. Relationship between state and public institutions with children and adolescents which also represent a part of civil society which has their priorities and preferences should be treated and considered as a member of the dialogue process.

A magnificent toolkit of means and methods for socializing children, involving them in solving the social problems has been developed in the global community. The children’s right to participate in the life of the state and society is envisaged by the international legislation as the most important condition for ensuring a dignified life of population and full development of the country and world community. Children are increasingly expressing their views. Speech of 15-year-old Greta Thunberg addressed at the United Nations Climate Change Conference in September 2019 is an outstanding example. However, it is relevant to note that it is only the second speech made by children in the history of the United Nations, after the speech made by the

12-year-old Severn Suzuki, a representative of the Environmental Children's Organization of 12-13-year-old children from Stockholm in 1992. No less interesting is an experience of children and adolescents participating in the "environmental demonstrations" that assumed world-wide proportions.

Opinion of children and youth must be expressed directly and through activities of the children's organizations. But we assume that a system of actual consideration of opinion of such organizations has not yet been formed in Kazakhstan, despite the positive statistics of their growth. Situation with the children's right to appeal is even more sensitive. In our country it is unreal to identify the children's willing or desire, and moreover to consider their opinion in solving one or another both region-wide and nation-wide problems. Whereas the Finnish and German experience on youth influence is widely spread world-wide. It is evidenced by the experience of the EU and a number of other countries that cultivating of the civic stand of young people through their involvement must be regarded as the most important educational and instructional state duty which should become permanent in the relevant programs and regulatory legal instruments.

Third. In addition to activation of the most progressive part of young people, the entire world community has encountered with the problem of low concernment of youth in the political developments. According to the political analysts, this would adversely affect the future of the entire world community. From the late 20th century, the EU started implementing an intensive policy of the political education of youth through the active involving of the rising young generation in the political developments by: lowering the age of voting right, emerging role of the youth political organizations, consideration of opinion of children and youth in processes affecting their interests, etc. A number of the instructional guidelines and regulations for their engagement have been adopted by the UNDP.

Moreover, the local youth is tended to reject from the political developments in virtue of a number of reasons, such as lack of faith, disappointment, social discontentment, and other. Therefore, we are also set out to politically activate, politically educate and encourage the Kazakhstani youth. Youth represents the most vigorous generation which is open to the innovation processes and having an out-of-the-box thinking and free from negativity. They are the future of Kazakhstan, and already today we need to think about their opportunities and equip them with the whole necessary toolkit that will let them master the political opportunities and tools for improving the future of our country.

A need for recognizing a definition of the "political rights of children" in addition to the need for analyzing their political content and essence is governed by all the above listed aspects of the chosen range of problems.

Theory of the political rights of children has been promoted more and more actively over the last years. This theory is based on idea that a child (under the age of 18) has a full scope of rights and freedoms, as any other citizen. At the same time, we would like to note that this study by no means affects the children's right to decide about their own lives (marriage, sex, job selection, educational opportunities, right to commit a suicide, etc.), which in other words means a number of the rights which are

actively studied today in the foreign countries and to some extent become actual in Kazakhstan (the right to abortion). We would like to express our own viewpoint in here stating that making decisions on such important issues must fall on the shoulders of parents, considering opinion of a child.

Story behind this theory starts with the lawsuit initiated by I. Cederberg-Lappalainen v. Sweden in 1987, when the issue of the existence of the political rights of children was raised for the first time. It was then that the Commission of Human Rights considered such an issue at the level of the international human rights authority. Despite the fact that in this case the Commission has made univocal judgment on availability of the psychological and political maturity, specific political rights of a child who has reached a certain age. This legal incident aroused interest in studying the scientific and practical aspects of development of the political rights of children.

Subsequently, adoption of the UN Convention on the Rights of the Child in 1989 marked generation of the new international legal standard on the limited rights of youth, despite the fact that a number of states have signed this Convention with reservations on non-recognition of those provisions relating to the political rights.

This issue is still unclear and questionable today. We can't but agree with the opinion of the Finnish Scientist, M.A. Riekkinen stating that "despite formation of the new standard of the international law, nowadays there is no material consent on issue of existence of the children's political rights both in the science of law and in the actual practice of specific states. Appropriateness and validity of existence of the limited political rights of minors is being defended considering the opinions of authors who deny the possibility of vesting the political rights in children, in addition to the opinions of supporters of existence of the political rights of the child".

There are no papers in the Kazakhstani literature dedicated to the study of the political rights of children. Whereas, particular rights of the children declared by the applicable Legislation of the Republic of Kazakhstan are obviously political and legal by nature. Along with this, in the point of fact, issues of the political involvement of minors and youth in Kazakhstan have not been developed either from the scientific, or legal, or practical view point. A need for determining issues of the political involvement of young people in the priority orientations of the national youth policy is governed by the reality, as a spontaneous and uncontrolled development of the political activity makes for misery of turning into the protest mood forms.

Due to this reason, we believe that the issue on recognizing the existence of the children's political rights, even in a "disadvantaged", restricted form, is ripe, as well as the issue on introducing certain amendments in the tools for exercising particular rights of the child, and forming of a unified state policy relating this issue through extending the rights of youth by means of adopting the special regulatory instruments, clarifying the functions of the governmental authorities engaged in the youth policy matters and arranging of an immediate involvement of youth in the affairs of the state and society.

From our point of view, a nominal recognition of existence of the "political rights of the children" and their role in the human rights system are "induced" to a large extent

by the problems encountered by children in their lives. Such problems include inability for direct appealing to the governmental authorities, including for the purpose to protect their rights and interests; it is also a superficial political awareness, poor orientation in the political developments, high probability of manipulation of their conscience and behavior, and a host of other things. All this requires a profound analysis of the existing situation and rethinking of the system of the children's rights, their protection and support.

Main objective of this study is to direct attention of the scientific and political communities to a child as an independent individual whose opinions and preferences must be regarded and accounted, at the very least in issues immediately relating to the safety and quality of life, parenting, education, etc. It is relevant to study the means of expressing such opinion, as a system of continuous and bilateral dialogue.

**Scientific novelty** of this study is expressed in the choice of topic itself. A tendency for recognizing and distinguishing the political rights of the child as an individual law institution has started in the late 20th century; it was refreshed and made actual today as a consequence of the existing political environment, development of the globalization and informatization (computerization) processes, and the early forwardness of the rising young generation. In the meantime, both the foreign and Kazakhstani science do not suggest any comprehensive scientific studies dedicated to this subject.

Moreover, the scientific novelty is defined by the fact that this study is analyzing the experience of countries where the issues of the children rights enforcement and protection are exercised at the highest level and may be applied in the local practice.

**Degree of the scientific development of the issue.** Authoritative studies issued by the local scientists have been dedicated to the human rights analysis, as follows: K.K. Aitkhozhin, S.K. Amandykova, Z.K. Ayupova, M.T. Baimakhanov, D.M. Baimakhanova, Zh.D. Bussurmanov, S.Z. Zimanov, A.S. Ibrayeva, Ye.K. Kubeyev, G.P. Luparev, M.A. Sarsenbayev, D.A. Ospanova, S.N. Sabikenov, G.S. Sapargaliyev, S.S. Sartayev, D.S. Saparbayeva, A.A. Chernyakov et al.

Thesis research by Ye.V. Mitskaya is dedicated to the problems of the political rights of citizens of the Republic of Kazakhstan in her monographic study "Society Democratization and Problems of Executing the Political Rights and Freedoms of Citizens of the Republic of Kazakhstan". The problems of formation of the civil society and interaction between the society and the state have been analyzed and reviewed in the study. The same topic has been studied in the Ph.D. thesis by G.S. Dulatov "Political Rights and Freedoms of the Citizens of the Republic of Kazakhstan" in Kazakh.

Specific aspects of exercise of the political rights of citizens have been reflected in the papers by A.A. Abikenov, Ye.M. Abaideldinov, A.A. Aikimbayeva, L.T. Zhanuzakonova., E.E. Duyssenov, A.A. Karayev, R.S. Sakiyeva et al.

The PhD thesis "Legal Status of a Minor in Kazakhstan" by N. Razzak studied and analyzed the children's rights, which provided a profound study of the rights of minors in the context of certain court cases. Profound analysis of the social rights of children is described in the multi-author paper by Ye.A. Buribayev and Zh.A.

Khamzina “Legal Regulation of the Social Rights, Guarantees of the Family and the Child in the Context for Implementing the New Social Policy in the Republic of Kazakhstan”. Monographic study by A.Ye. Zhatkanbayeva “Problems of Functioning of the Juvenile Justice in Kazakhstan: Analysis of the International Practice and National Realities” is dedicated to the analysis of formation and improvement of the juvenile system activities in the Republic of Kazakhstan.

It is relevant to note a great collection of the local studies relating the criminal, criminally-remedial and criminogenic specifics of the juvenile crimes, their prosecution, and a growing amount of cases on crimes against children, their lives, health, rights and freedoms.

Papers and studies made by the research scientists in other areas of science and practice stand out particularly, which evidences the multidimensionality and diversity of the problem raised.

Thus, such political scientists as M.A. Mekebayeva, A.Z. Beissenova, A.A. Abdykalykov, G.Sh. Khamitova focused their special attention to the youth policy issues.

Huge amount of studies and researches in the area of the political science and sociology has been dedicated as well, where a thesis by D.M. Aitkenova may be distinguished on the subject “State Policy of the Children’s Rights Protection in Kazakhstan” which describes a comprehensive analysis of the policy documents of independent Kazakhstan on children and specifics for their implementation and introduction.

Issues of the social support for children in the context of the public health care have been studied in the thesis by N.M. Yelissinova “Scientific Rationale of Prevention of the Social Orphanhood and its Consequences Considering the Age-Related Specifics and Quality of the Children’s Lives”.

Moreover, the Kazakhstani Pedagogical School handles a large amount of researches and studies related to the child and educational psychology, including those related to the political socialization of youth.

It is relevant to note that a child began being considered as an independent individual only in the last 10-15 years, whereas in the previous period, children were treated as a part of family, continuation of a mother.

Yu.F. Bepalov, V.F. Vorobiyev, L.D. Gauchman, A.N. Ignatov, Yu.A. Krassikov, V.D. Malkov, A.V. Naumov, A.I. Rarog, L.M. Shipitsyna, A.I. Scherbakov, L.A. Soboleva, S.A. Styazhkina, S.D. Ushakov et al. can be distinguished among the foreign scientists who studied the issues of rights protection of the minors.

At the same time, issues of the political rights of children and minors are just getting started to be studied, and papers of the scientists from the CIS countries, such as L.M. Semashko and V.A. Kochetkova should be outlined among the researchers in this area.

A large volume of research papers in various aspects of the political rights of the children have been done by such researchers as Joseph Goldstein, Anna Freud, Albert J. Solnit, Albert E. Wilkerson, Gordon D, Nandy S, Pantazis C, Pemberton SA,

Townsend P., Pemberton S, V. Wallace, Demeny P., H.Helve. Ashing I., Tyler D. Knowlton et al.

It is relevant to particularly highlight the studies by M. Riekkinen, our foreign Academic Advisor whose academic interests formed the basis for choosing the topic of the Thesis. A number of her articles are dedicated to analysis of the children's rights to rallies, processions and demonstrations in various countries, and analysis of the term of "political rights of the child".

The dissertation research "The Child's Right to Participation – Reality or Rhetoric?" presented in 2006 by the Swedish Researcher, Rebecca Stern is dedicated to the "child's right to participation in theory and practice within the context of the United Nations Convention on the Rights of the Child and other international human rights instruments". This study formed the basis of many papers in this area of studies.

In the meantime, despite the widespread academic interest of the foreign researchers, including those from the Russian Federation, to the problems of the children's rights and tool for their enforcement, a proper attention has not been focused to the problems of their political content in the local science. Therefore, the field of analysis of the concept and content of the children's political rights and tool for their enforcement both in Kazakhstan and world-wide is insufficiently developed direction in the science of law. Additional relevance of the subject is provided by the fact that Kazakhstan has set a target both in the international and national regulatory instruments to involve the young people in the political developments.

**Objective of the dissertation** is to ensure the comprehensive analysis of the national and international theory of the institute of the children's political rights and its special nature, to analyze the problems of functioning of tools for establishing, enforcing, protecting and guaranteeing the rights of the children, which in their essence can be classified as the political ones. Ways for solving problems in the area mentioned above can be studied and justified by addressing the **tasks, as follows:**

- Analyze the legal nature of the concept of "political rights of children" and its content;
- Determine the system of the political rights of children, their role and place in the general system of the children's rights;
- Analyze the subject matter of the political rights of children;
- Conduct an incisive analysis of the existing tool for exercising each political right of the children in the Republic of Kazakhstan;
- Distinguish the existing problems and suggest their solution options in the context of exercising of the political rights of child;
- Introduce the practical guidelines (recommendations) for improving the applicable legislation on the children's rights in terms of establishing the political rights of children and ensuring their exercise.

**Subject and Scope of Study.** **Subject of the Study** is the public relations formed in the implementation of the Legislation of the Republic of Kazakhstan related to the child's right to freedom of expression of the personal viewpoint and opinion, the right

to association, freedom of peaceful assembly, rallies, processions, public gathering and demonstrations, access to information, and the right to appeal.

**Scope of the Study** is the regulatory-legal and organizational activities of the state, and activities of the public institutions aimed at enforcing the exercise of the child's rights and legitimate interests for freedom of expression of the personal viewpoint and opinion in terms of issues directly affecting their rights and legitimate interests, as well as formation of the favorable conditions for their vital activities and future development.

**Theoretical and Methodological Background.** Scientific papers and studies in the context of the legal theory, conception of the human and civil rights, Constitutional Law of the Republic of Kazakhstan, Comparative Constitutional Law, papers and studies made by the scientists and practitioners in the context of the comparative studies of law became **the theoretical background**, as well as the papers and studies developed by the scientists and practitioners: political scientists, teachers, psychologists, sociologists, etc.

A combination of the requirements of the general scientific and private scientific methodology formed a basis for the **Methodological Background** of the study. General scientific methodology has absorbed achievements of the most important areas of the human sciences, it describes and marks an approach to the relationship between the state, society, groups and the individual. The Methodological Background includes consideration of the objective and subjective factors of the social development, cause-and-effect relations and relationships, their institutionalization and subordination, as well as demonstration of a continuity and progression in the history of the environmental legislation development. Private scientific methods have been widely used in the thesis as well, such as: technical and structured system analysis, specific-historical, comparative legal, logical, sociological and statistical methods, analysis and synthesis methods, modeling methods, etc.

**Legal framework** of the study has been formed by the International Conventions on the Human Rights and the Rights of the Child, the Constitution of the Republic of Kazakhstan, constitutional laws, laws and other regulatory legal instruments of the Republic of Kazakhstan. It is relevant to particularly note the system of the national and regional programs, and framework of the youth policy, acts and instruments issued by the specially authorized central and local executive and representative authorities.

**Empirical Background** of the study has been formed by the documents of practice of authorized authorities, international human rights organizations, results of the analytical studies in various fields of science and practice directly related to the issues raised, current international, national and foreign legislation, and files of specific cases.

**Fundamental principles** which specifically disclose the novelty of the study conducted, special nature and significance of the institute of the children's political rights **are submitted for presentation:**

1. Political rights of the children are the government-established and guaranteed opportunities for children for satisfying their needs and requirements in various areas



of the political life of society which directly or indirectly affect their rights and legitimate interests for safe and dignified existence and development.

Political rights of the children are dualistic by nature. This dualistic nature lies in the fact that, on one side, it is the right to affect the state and public life, and on the other side, it is a possibility for a child to demonstrate and express their own beliefs and intentions, to protect their interests in various living environments.

By virtue of the age-specific psychological constitution, the essence of the political rights of children is to communicate their needs to the state and public institutions;

2. Based on the provisions of the theory of human rights, international legal standards related to the human rights, and internal legislation, the following rights should be referred to the principal political rights and freedoms of the children:

- The right to freely receive and disseminate information by any means not prohibited by law;
- The right to freedom of association;
- The right to arrange the public events, rallies, processions, public gathering and demonstrations, but to the extent permitted by law on their performance procedure;
- The right to appeal.

Voting right is one of the central cores of the political rights of an adult. By the virtue of special nature of the psychology of minors, we believe that such political rights as a voting right and right to be elected are limited. This right may be exercised by the minors through the following:

- Participation in the youth movements (wing) of the political parties;
- While preparing and conducting the election campaigns;
- Participation in the youth public organizations.

Such political right as the right to enter on public service must be limited by the age qualification and extrinsic to the underage youth.

The abovementioned political rights of children collectively represent the constitutional-legal institution which is an integral part of institute of the human and civil political rights, which holds one of the central places in the system of the constitutional law as a law branch.

3. Policy of involving young people in the political life of the country should cover the children from the age of 14. Along with this, the current terminology does highlight any distinctions, and this forms the basis for legislation on the political rights of citizens.

Statutory term “child” as captured in the legislation of the Republic of Kazakhstan, covers a very wide age category (from birth to 18 years of age) which should be classified in more details:

- Child: from birth to 14 years of age;
- Adolescent (teenager) is a person who is already 14 years old, but under 18.

This term should be introduced in the national legislation by amending and supplementing the Law of the Republic of Kazakhstan No. 285-V dated February 09, 2015 “On State Youth Policy”, and amending the Law “On the Rights of Children”.

4. The engagement policy employed by the world community lies in the purposeful policy of the governments for active attracting young people to participate in the life of society and the state. Objective is to form an active citizenship, raise the political awareness level and recognize the need for participation in the public life, including on the self-motivated personal reasons.

Incisive analysis of the national legislation on the state youth policy covering young people aged 14 to 29 showed a significant gap with the global trends and incompliance with the declared objectives, such as arrangement of conditions for involving young people in the socio-economic and socio-political life of the country. At the same time, current state of the national (internal) policy of Kazakhstan requires active involvement of the youth initiatives, comprehensive involvement of young people in solving problems of the regional and national level, formation of the material and meaningful system of training of the political awareness and culture, and counteracting the destabilizing factors.

Due to this reason, it is proposed to make use of experience of Finland and the Federal Republic of Germany, which are the most successful in considering the opinion of children and in the policy of youth involvement in the public and political life. Formation of the consolidated tool for involving based on the obligation to consider the opinion of children and young people in adopting issues directly and indirectly affecting their rights, freedoms and legitimate interests is the specific nature of these countries.

5. It is evidenced by the analysis of the legislation of the Republic of Kazakhstan on the rights of children and the political rights legislation, that this legislation is not adapted for implementation of the system of political rights of the underage youth (adolescents). Due to this reason, it would be reasonable to amend and supplement the legislation of the Republic of Kazakhstan, as follows:

5.1. Having based on experience of the foreign countries, we believe that it is the political parties (while having the required toolkit) that may influence on the youth movement through arranging the political and patriotic education, holding various educational, sports, spiritual and moral training events on a permanent basis, explaining the legal and other aspects of the state policy and policy of the party itself and a host of other things.

Accordingly, it is necessary to amend and modify the Law “On the Political Parties”:

1) In the Section 2 of the Article 15 “Rights and Obligations of the Political Parties” with 5) Paragraph 2 – the right to create a youth wing of the political party, involving there young people from 16 years old;

2) Supplement the Article 8 by clarifying that people over 16 may be the members of the youth wing of a political party;

3) To supplement the Chapter 3 with an article on the youth wings of the political parties, by so doing to classify them as having official status, without the right and obligation of separate registration. To determine that the youth wing is created in order to promote expression of the political will of the underage citizens, to identify their intentions and problems, and to communicate such problems to the

representative and executive bodies of the governmental authorities, local government, and participate in their formation.

Among the rights of the youth wing of a political party, it is relevant to secure:

- 1) Involvement of members of such youth wing in the election campaigns, in the capacity of electioneers, members of headquarters, observers, etc.;
- 2) Taking part in development of the policy documents;
- 3) Information support and others.

This must be reflected in the Constitutional Law of the Republic of Kazakhstan No. 2464 dated September 28, 1995 “On Elections in the Republic of Kazakhstan”.

5.2. Adopt the special Law “On Children’s and Youth Non-Governmental Organizations”, where they should be defined as the “children’s and youth public associations founded on a voluntary basis for achieving the general objectives of the political, economic, social and cultural rights and freedoms, and for developing the civil activity and individual initiatives not inconsistent with law”. It is also necessary to assign a number of rights to them, including those aimed at expressing opinion and needs of their members to:

Prepare reports to the President, the Government of the Republic of Kazakhstan and other competent authorities on the situation of children and youth, to take part in the discussion of reports on these issues, and to contribute suggestions on implementation of the children’s right national policy and national youth policy;

Contribute suggestions to the holders of the right of the legislative initiative for amending and modifying the laws and other regulatory legal instruments which affect the interests of children and youth;

Participate in the preparation and discussion of draft national programs, including activities related to the youth policy, and children’s rights enforcement and protection policy.

5.3. Legislatively secure the right of the children’s and youth organizations to arrange and conduct various events, including the meetings, rallies, processions, public gathering or demonstrations subject to complete and strict compliance with the Law of the Republic of Kazakhstan “On the procedure for organizing and holding peaceful meetings, rallies, processions, public gathering and demonstrations in the Republic of Kazakhstan”. Moreover, it is relevant to prescribe that the parents, carers or guardians (only subject to availability of a written permission to attend such events), organizers, educational institutions, local executive authorities and law enforcement bodies are obliged to ensure security of such events, which means they need to arrange all the necessary precautionary measures to minimize the risk of violence, exploitation or any other negative consequences of their participation on children.

5.4. In order to avoid the doubts when applying the Article, the Supreme Court of the Republic of Kazakhstan must be obliged to clarify (interpret) the part of the Administrative Offences Code of the Republic of Kazakhstan in terms of “the use of underage in these forms of expression of the public, collective and personal interests and protest”;

5.5. Amend the Criminal Code of the Republic of Kazakhstan by introducing the rules which envisages liability for using the underage, as follows: involving the minors in the public events aimed at “incitement to racial, national, social, religious intolerance, estates exclusivity, forcible overthrow of the constitutionally established state order, violation of the territorial integrity of the republic, as well as violation of other provisions of the Constitution”.

6. We believe that the child’s right to appeal is an important security for protecting their rights, freedoms and legitimate interests; it is also a way for expressing opinion. This must be treated as fundamental political right of the child. Based on practical experience of the foreign countries, regulations of the applicable Legislation of the Republic of Kazakhstan and logic, we believe that it is necessary to amend the applicable Legislation of the Republic of Kazakhstan on the children’s rights and the Law of the Republic of Kazakhstan “On the procedure for consideration of appeals of the individuals and legal entities” with the following items:

- a) Children over 14 have the right to independently appeal to the state administration authorities and self-government, administrations of the educational institutions without the being represented by the parents;
- b) Obligate the government authorities to consider appeals of minors on a regular basis and terms with maintaining special reporting on their registration and making decisions with regard to such appeals, especially in cases when they file complaints with notifying the social services and other competent authorities (Child Protection Services);
- c) Officially vest the child with the right to appeal to the courts and other law enforcement agencies in case of violation of their rights and legitimate interests, and any unlawful activity against children. Whereas there is no direct regulation referring such right in the applicable Kazakhstani legislation.

**Theoretical and practical effect of this study** is that this study is the first in the national science to suggest introducing the concept of the “political rights of the child” in the law conceptual framework. Practical effect is that based on a comprehensive analysis, it contributes the suggestion to improve the tools for protecting the rights and freedoms of children in the Republic of Kazakhstan. This dissertation thesis may be of particular practical importance in the further development of regulatory documents relating the youth policy and legislative instruments on the political rights of citizens, including those of children.

Suggestions and conclusions provided in the dissertation thesis are recommended for use in the development of the constitutional, administrative, informational and other legislation, in working out of the draft laws in the legislative activities of the Parliament of the Republic of Kazakhstan, in the development of various governmental and other programs in the context of the children protection and development of the civil society.

Provisions of this study may be used in the higher educational institutions when teaching in specialty of “Law”, when giving classes on the discipline of the

constitutional, administrative, information law, other disciplines and special training courses.

**Evaluation of the research results** was made after generation of results at each stage of the dissertation thesis. The dissertation was prepared at the Department of the Financial, Customs and Environmental Law of the Department of Law in Al-Farabi Kazakh National University. Research results have been reflected in the following papers and studies:

1. Riekkinen, M., Adilghazi, S., Tasbulatova, A. Protected or Neglected? Analysing Legislation Governing Minors' Participation in Protest Rallies in Russia against the Background of International Law // *International Journal of Children's Rights*. - 27(3), P. 482-516. – 2019.

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