

THE PROBLEM OF PROTECTING THE RIGHTS AND LEGITIMATE INTERESTS OF THE CHILD IN THE FAMILY AND OUTSIDE IT

Nurlan Apakhayev¹, Kultay Adilova², Dina Bugybay³,
Aset Toktybaev⁴, Duman Kopbayev⁵

Abstract

Protecting children's rights and interests, especially within families, is crucial globally. Effective laws and enforcement are needed to ensure their safety and prevent violence, both offline and online. Kazakhstan's efforts in this regard, including legal protection for motherhood and childhood, are important. All of the above allowed for formulating the general purpose of the study – a comprehensive systematic examination of the protection of the subjective rights and legitimate interests of the child in family legal relations and in surrounding society (using the example of the Republic of Kazakhstan). The results were obtained using the tools of theoretical and methodological research of publications devoted to the problems and issues of observance and protection of children's rights and freedoms at the national and global levels, methods of comparative legal and comparative political research, content analysis of official documents, etc. In the study, key issues regarding the protection of children's rights in Kazakhstan were identified, including violence, neglect, and juvenile delinquency. It highlighted the growing number of appeals for the protection of violated children's rights and emphasized the urgent need for improvement in the child protection system. Promising areas for development include enhancing social services, reducing violence in families and institutions, improving legal protection against sexual harassment, and promoting child-friendly activities in preschool education. The study is of both theoretical interest and practical importance for various stakeholders involved in child welfare and protection. The research has practical value and originality in posing individual questions; it is aimed at examining in-depth the most important problems of maternity, family, and childhood protection in modern Kazakhstan.

¹ Q University, Baizakov Str. 125/185, 050000 Almaty, Republic of Kazakhstan.
E-mail: nurlapakhayev@gmail.com.

² International University of Tourism and Hospitality, Rabiya Sultan Begim Str. 14B, 161200 Turkistan, Republic of Kazakhstan. E-mail: kultayadilova@aol.com.

³ Yessenov University, Microdistrict 32, 130000 Aktau, Republic of Kazakhstan. E-mail: dbugybay@gmail.com.

⁴ Kazakh National Agrarian Research University, Abay Ave. 8, 050010 Almaty, Republic of Kazakhstan.
E-mail: asettoktybaev@proton.me.

⁵ Kainar Academy, Satbayev Str. 7a, 050013 Almaty, Republic of Kazakhstan.
E-mail: dkopbayev67@protonmail.com.

Keywords

Protection of Motherhood and Childhood, the Younger Generation, Commissioner for Children's Rights, Criminal Law Protection, Observance of Children's Rights

I. Introduction

The construction of a truly social and democratic state is in immediate relationship with the development of institutions that protect the subjective rights and legitimate interests of the younger generation, and develop an adequate legislative framework. Therewith, the rights, personal interests, physical and spiritual needs of minor citizens of Kazakhstan, especially young children, should be ensured by excluding in practice violent methods of treatment of a child, continuous and unrestricted access to socio-economic and cultural resources of society. The modern problem of physical and moral violence in the family and outside it, sexual harassment by adult subjects are highlighted.

The modern state and the effectiveness of the activities of the public state and social structures characterise certain factors aimed at ensuring the unhindered exercise of the rights and interests of children. An advanced society characterises how the rights of children in the field of education, social security, and labour, to development, etc., are guaranteed and respected in family, social and state institutions, what methods and tools are used to prepare children for a normal and fulfilling life, etc. Therefore, the study of the problems of the multidimensionality of building a comprehensive system for observing and ensuring the protection of the socio-economic rights and personal interests of the child in Kazakhstan, creating effective criminal law protection, modern structures of social services and educational and educational organisations, fighting family violence and neglect is relevant and considerable.

J. Mooney (2021) delves into the experiences of adults who disclose violence to child protection social workers to identify barriers and factors that influence the reporting process. By shedding light on these dynamics, the study aimed to improve support systems for survivors and increase the effectiveness of intervention strategies. R. McElvaney (2019) focused on strategies for enabling children to disclose experiences of sexual violence, with the primary goal of providing professionals with effective tools to create a safe environment in which young survivors of sexual violence feel confident and able to disclose. The study emphasizes the importance of proactive measures in combating child sexual abuse and promoting early intervention.

C. Guerra et al. (2021) investigated gender differences in disclosure of sexual abuse among Chilean adolescents, seeking to identify the sociocultural factors that shape disclosure patterns. Understanding these nuances will help to develop targeted interventions that address the specific needs and challenges faced by different demographic groups. E. Brennan and R. McElwany (2020) conducted a qualitative meta-analysis to identify factors that influence children's disclosure of sexual abuse, providing a comprehensive review of the existing literature in this area. By synthesizing the findings of multiple studies, the research aims to inform the development of evidence-based practices and policies to support survivors and prevent future incidents of violence.

A. Johnson and M. Dawson (2021) analyzed the characteristics associated with child homicide to understand the underlying dynamics of violence in different relationship contexts. By examining the factors that contribute to fatalities, the study aims to inform risk assessment protocols and intervention strategies to prevent fatal child maltreatment. B. K. Sar and L. K. Bledsoe (2021) investigated people's willingness to intervene in cases of child abuse and neglect to identify factors that influence bystander intervention and community response to maltreatment. The study emphasizes the importance of fostering a culture of accountability and collective responsibility in ensuring the well-being of children.

Taken together, these studies deepen our understanding of child maltreatment disclosure and provide valuable insights for policymakers, practitioners, and researchers alike. By addressing key gaps in knowledge and practice, they contribute to the development of targeted interventions and policies that promote children's safety, empowerment and well-being.

The practical problems of the study were identified and established, *inter alia*, during studying statistical data concerning issues of violation of the rights of minors; content analysis of legal documents and official reports of competent authorities on selected issues; etc. The originality of the research is determined, firstly, by the identification of a complex and systemic relationship of numerous areas of security and protection of subjective personal and social rights and interests of children in modern Kazakhstan, considering family, state, social factors and conditions. Furthermore, the problems raised in the publication were virtually not studied regarding the republican features of building a structure for ensuring the rights of the child in Kazakhstan's desire to modernise legislation using international legal standards.

The article aimed to explore the interplay between state and municipal policies regarding maternity and childhood protection, establish effective criminal legal safeguards for children, and address issues such as neglect, homelessness, family, and sexual violence against adolescents. This relationship is based on the study of publications, statistical data, the legislative base of Kazakhstan and reports of official state bodies. The object of the study was social processes and relationships that characterise the modern problem of protecting the subjective rights and legitimate interests of children in the family institution and the immediate environment (teachers, peers, competent persons of guardianship and custody authorities).

II. Materials and Methods

To conduct an in-depth study of the problematic issues stated in the publication, the author used instrumental tools in the form of the following methods of socio-political and legal sciences. Summary and grouping of statistical observation materials involved systematically summarizing and categorizing statistical data related to the security and protection of minors in Kazakhstan. This included information on neglect, criminal protection of children, juvenile delinquency, and other relevant public statistics. By organizing this data, the researcher gained a comprehensive understanding of the scope and nature of the issues being addressed. methods of theoretical examination and comparison of scientific and op-ed articles related to the subject of research, i.e. analysis (detailing,

separation) of material and synthesis, generalisation of the studied literary, informational and empirical data concerning violations of children's rights to inviolability and full development; physical, mental, and moral well-being. Specification of socio-economic, involved clarifying and defining socio-economic, involved clarifying and defining socio-economic, legal, and political concepts related to children's rights in Kazakhstan and other countries. By specifying these concepts, the researcher ensured clarity and consistency in their analysis and interpretation of data. Content analysis of regulations of the Republic of Kazakhstan aimed at the development of youth policy and the sphere of security and protection of children's rights, their cultural and educational provision; analysis of summary indicators on the activities of the Commissioner for Children's Rights in Kazakhstan, exercising powers on a voluntary basis, the main areas of the system of protection of motherhood and childhood. Moreover, the problem of social sexual violence against female and male adolescents in intra-family relationships and outside them was analysed separately.

Theoretical and empirical research (i.e., analysis of scientific and legal sources with the study and content analysis of specific practical data and results of the work of the Commissioner for Children's Rights of the Republic of Kazakhstan) of the problem stated in the article was conducted in several stages:

1. Firstly, at the first stage, there was a formulation and identification of urgent issues necessary for a detailed study of security and protection of the rights and interests of minors, considering the national development and social policy of Kazakhstan. Therewith, in the introduction to the article, the purpose and areas of scientific, methodological, and empirical (through collecting data on the problem) analysis, the object and subject of study were highlighted, then a content analysis of statistical data, reports of the Commissioner for the Rights of the Child of the Republic of Kazakhstan for their internal content was conducted. Theoretical publications were used to substantiate the methodological and subsequent parts of the article by national and foreign researchers and specialists in the field of protection and observance of the rights of children and adolescents (politicians, lawyers, social workers, teachers, psychologists, etc.), representatives of countries in Europe, Asia, South and North America, Australia.
2. At the second stage of the theoretical and methodological research, a content analysis of the results obtained, the study of generalised data from legal literature, statistical reporting, and performance indicators of the Commissioner for Children's Rights was conducted.
3. At the final stage, the results of the study were summarised to formulate the author's own position on the identified problematic elements. The results of the study of ensuring and observing children's rights on the example of a particular state (the Republic of Kazakhstan) were also summarised, considering specific results and generalising all conclusions at the final stage.

III. Results and Discussion

The protection of motherhood and childhood, fostering and promotion of family values to the citizens of Kazakhstan, the social policy and social service system of the Republic are aimed at solving the problems of ensuring and observing children's rights in a changing globalising world. Difficulties in regulating the system of protecting the subjective rights and legitimate personal interests of children, ensuring the normal functioning of family and maternity institutions are caused by the constant increase in violence in society, the emergence of new forms of communication using mobile communications and Internet resources, and hence the growth of virtual violence, including sexual and intellectual violence. Therewith, there is a degradation of the younger generation, due to the lack of national and moral values among young people, a decrease in the cultural needs of children and adolescents, a perverted understanding of ethical attitudes.

The observance, security, and protection of the subjective rights and legitimate interests of children in Kazakhstan is an interconnected system complex of elements consisting of the actions of state authorities, public institutions, foreign and national non-governmental organisations. Since independence, Kazakhstan has legislatively and officially ratified the most important world regulations concerning the international legal protection of the child and its interests, including the Beijing Rules on Juvenile Justice in 1985, the Convention on the Recovery Abroad of Maintenance; the Minimum Age Convention; international documents on the procedural status of an accused or convicted teenager, regulations concerning the sale of minors, teenage prostitution and pornography, etc. (Protection of children's rights . . . , 2021).

The foundations of the security and protection of the rights and interests of minor citizens of Kazakhstan are fixed at the constitutional level of regulation. In particular, the statutory provisions of Article 27 of the Constitution of the Republic of Kazakhstan stipulate that childhood, marital, family, and close family relations are protected by public authorities. In addition, various legal regulations and by-laws have been developed and are in force at the national level which enshrine the rights and obligations of children, regulate the protection of their subjective interests, for example, codified documents adopted on family issues and for the purpose of regulating healthcare; Laws: "On the Rights of a Child in the Republic of Kazakhstan", "On Education", "On State Youth Policy in the Republic of Kazakhstan", etc. (Protection of children's rights . . . , 2021). In general, the following issues are subject to legislative regulation: the property and personal rights and interests of the child in family relations, the right to use effective and technologically advanced services of the healthcare structure, the right to create conditions and factors for the full cultural, spiritual, educational development of the child, etc.

The social and economic policy of the Republic of Kazakhstan is always conducted in the interests of every child and is a priority area of functioning of public authorities. The activities of all state bodies are based on the statutory and practical provision of children's rights and public support of family relations to achieve the goal of the full upbringing of the younger generation within the framework of protecting children's rights and interests, preparing the child for social life in the future. Despite the positive and important goals

and objectives defined by law, there are a number of unresolved problems in the field under study (Subeeva and Startseva, 2021).

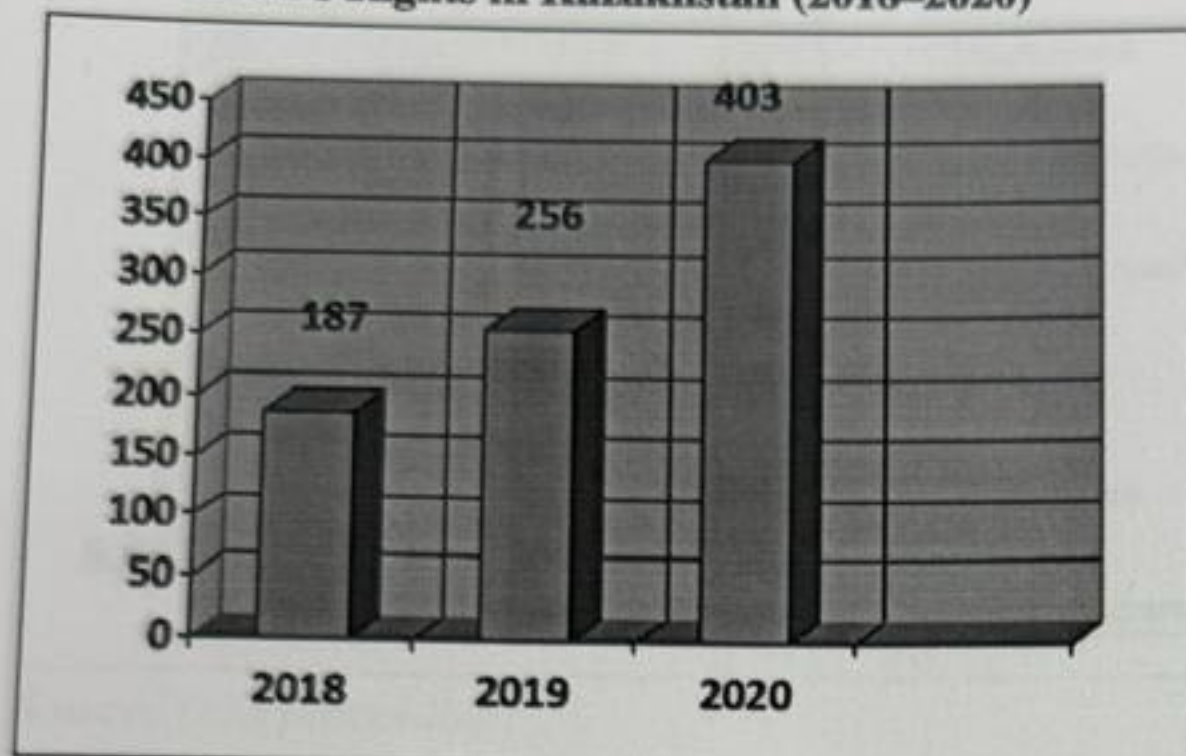
The discussion highlights several key issues regarding the protection of children's rights in Kazakhstan and the existing policies aimed at addressing these concerns. Kazakhstan has ratified important international agreements concerning the protection of children's rights, including the Beijing Rules on Juvenile Justice and the Convention on the Rights of the Child. At the national level, various laws and regulations have been enacted to safeguard children's rights, such as the "Law on the Rights of a Child in the Republic of Kazakhstan" and the "Law on Education". These laws aim to protect children's property and personal rights, ensure access to healthcare services, and promote their cultural and educational development. However, there are gaps in the implementation and enforcement of these laws, leading to challenges in effectively protecting children from various forms of abuse and neglect. The number of appeals related to violations of children's rights has been steadily increasing in Kazakhstan. Complaints cover a range of issues, including judicial proceedings, criminal proceedings, housing and social issues, alimony obligations, and drug provision. The rise in appeals indicates growing concerns about the protection of children's rights within the country. However, the increase in appeals highlights systemic issues in addressing children's rights violations. There may be deficiencies in the responsiveness of authorities and the effectiveness of existing mechanisms for resolving these complaints. Kazakhstan has witnessed a significant increase in crime against minors, including sexually oriented offenses. This trend raises concerns about the safety and well-being of children within the country. The rise in crime against minors underscores deficiencies in the prevention and response mechanisms to protect children from various forms of exploitation and violence. There may be gaps in law enforcement practices and the implementation of preventive measures (Habarova, 2015).

Family violence, including sexual abuse, remains a pressing issue in Kazakhstan. Instances of violence within families, including foster families, pose significant risks to children's safety and psychological well-being. Despite efforts to address family violence and sexual abuse, there are challenges in effectively preventing and responding to these crimes. There may be gaps in legislation, law enforcement, and support services for victims, hindering the protection of children from harm. Addressing the challenges in child protection requires a comprehensive approach involving multiple stakeholders, including government agencies, civil society organizations, and international partners. Collaboration and coordination among these entities are essential to strengthen child protection systems and ensure the effective implementation of policies and programs. However, there may be limitations in intersectoral cooperation and coordination, leading to fragmented efforts in addressing child protection issues. Additionally, there may be resource constraints and capacity gaps in key institutions responsible for safeguarding children's rights (Maksymenko, 2021).

According to official indicators, statistical data, and reporting results of the activities of the Commissioner for Children's Rights in the Republic of Kazakhstan for 2018–2020, one of the most important problems remains the growth of appeals from citizens, other interested persons, public structures, etc. for the protection of violated children's rights.

If in 2018 there were only 187 such appeals sent for consideration and resolution by the Commissioner for the Rights of the Child, in 2019 the number of complaints and applications increased to 256, and in the period from January 1 to December 31, 2020, 403 appeals of various subjects were received by the Commissioner (Sain, 2020; 2021).

Figure 1: Dynamics of Appeals of Citizens and Other Persons Addressed to the Commissioner for Children's Rights in Kazakhstan (2018–2020)

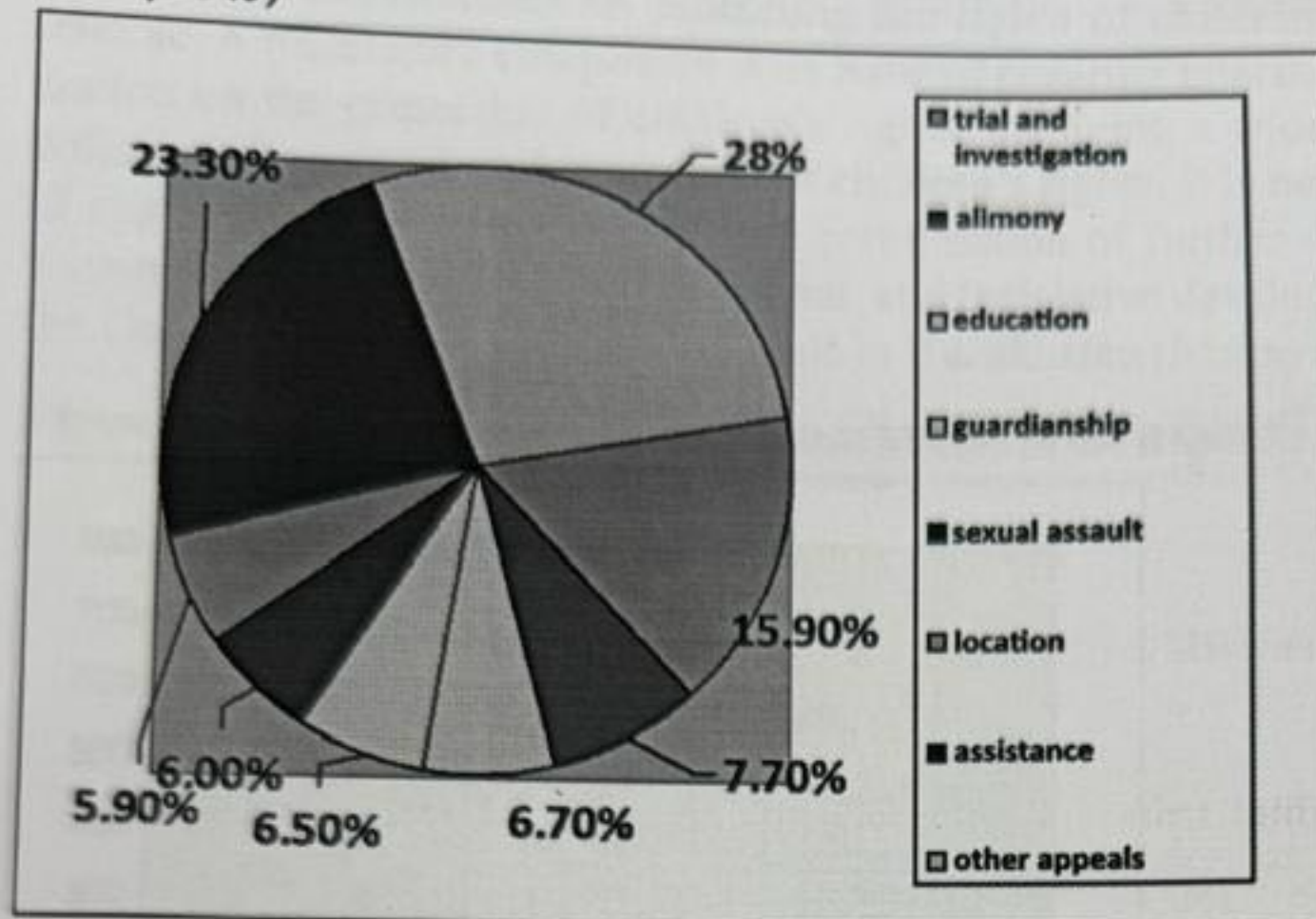


Source: Own proceedings

Figure 1 illustrates the dynamics of appeals made to the Commissioner for Children's Rights in Kazakhstan from 2018 to 2020. The steady increase in the number of appeals over this period, from 187 in 2018 to 403 in 2020, reflects a growing awareness of and concern about violations of children's rights within the country. This upward trend signals the need for enhanced efforts to address these issues and ensure effective mechanisms for safeguarding children's rights.

Therewith, the main subjects for appeals for the protection of the rights of minors were judicial proceedings, criminal procedural relations, housing and social issues, alimony obligations, and drug provision. In particular, for the period from January 1 to December 31, 2020, within the framework of issues of judicial proceedings and criminal proceedings concerning minors, (21 + 43 = 64, 15.9%) appeals on alimony – 31 (7.7%), in the field of educational services to the population – 27 (6.7%), concerning the activities of guardianship and custody authorities – 26 (6.5%), sexual violence – 24 (6.0%), determining the location of the child after divorce – 23 (5.9%), in relation to TSS (targeted social support), social, medical, material, and legal assistance – 94 (23.3%). Regarding other violations of the rights of the child (sports, disability, construction of playgrounds, credit problems, complaints against official authorities, etc.) – 114 – 28% (Sain, 2020; 2021).

Figure 2 provides further insight into the subjects of these appeals in 2020. Judicial proceedings, criminal proceedings, and housing and social issues were among the most common reasons for seeking protection of children's rights. Additionally, concerns related to alimony obligations, educational services, and sexual violence were prominent. This breakdown underscores the diverse range of challenges faced by children in Kazakhstan and the multifaceted nature of their rights violations.

Figure 2: The Subjects of Appeals to the Commissioner for Children's Rights in Kazakhstan (2020, in %)

Source: Own proceedings

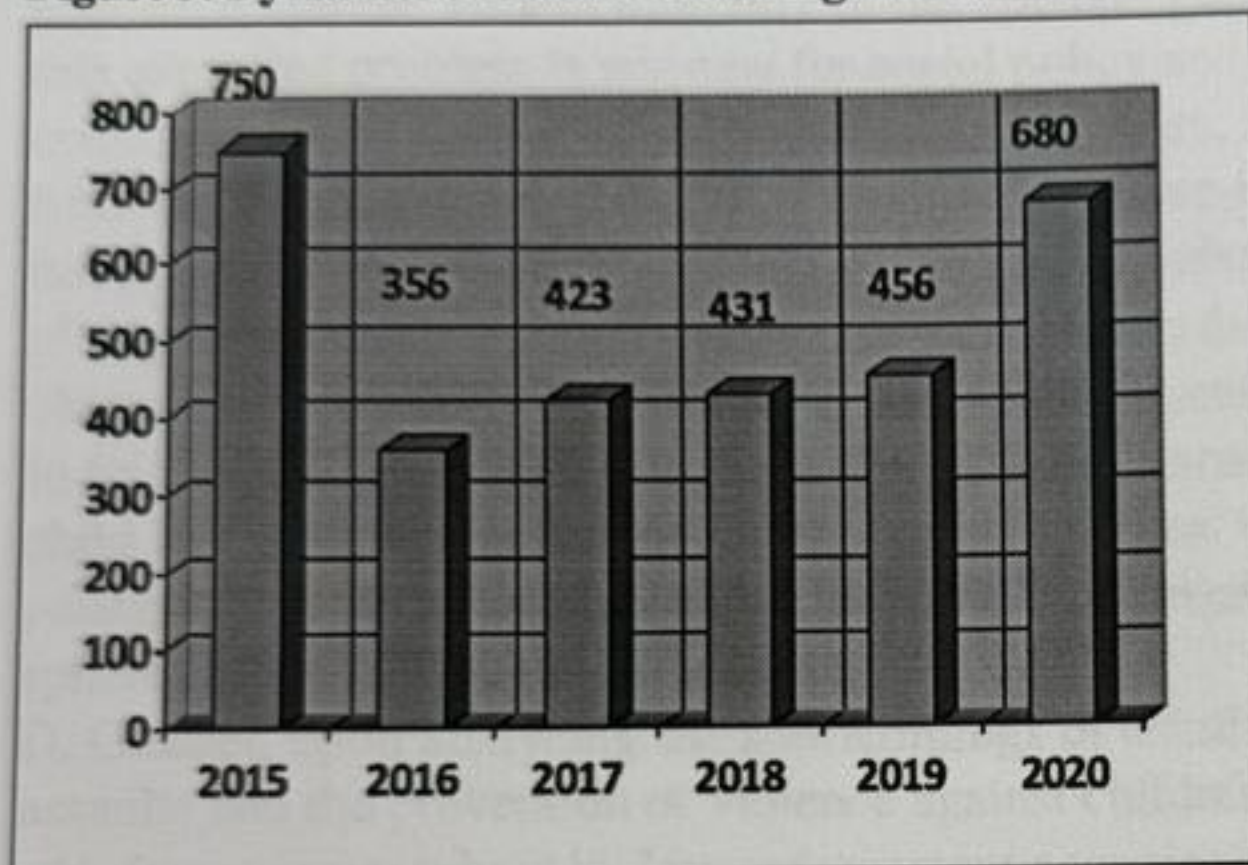
The situation with the criminal legal protection of children and adolescents in modern Kazakhstan is even more complicated. According to the data indicated in one of the published studies, in 2020, crime against minors, including criminally punishable sexual violence (involving, among other things, a fatal outcome for the victim) increased by 49% compared to 2019 (Utyupin, 2020). These indicators are explained by the almost complete absence of a comprehensive system of crime prevention against minors, quarantine measures due to the pandemic, close relations between the offender and the victim, provoking sexual harassment and beatings. After a sharp decline in sexual crime against minors (Articles 120–124 of the Criminal Code of the Republic of Kazakhstan) in 2016 (356 crimes against 750 in 2015), its new growth continues 2017 – 423, 2018 – 431, 2019 – 456, 2020 – 680 (Report on offenses against..., 2021).

Figure 3 highlights the alarming increase in sexual crimes against minors in Kazakhstan from 2015 to 2020. The sharp rise in such offenses, reaching 680 cases in 2020, is particularly concerning and demands urgent attention. This trend underscores the need for strengthened prevention measures, improved law enforcement practices, and enhanced support services for victims of sexual abuse.

Consequently, the problem of sexual crime in Kazakhstan is quite urgent and requires the immediate development of preventive measures of a national, special, and personal composition. According to the reports of the Commissioner for Children's Rights, in addition to criminal law and procedural problems, there are various shortcomings in protecting the rights and interests of children in other social areas. In particular, it is noted that it is necessary to continue the systematic work of various authorities in solving the problems of family violence against adults and children, violent actions among peers. Over a considerable period, the structure of "mutual responsibility" has developed in educational

institutions and institutions of social protection of the population, which hinders and reduces the effectiveness of protecting the rights of children in specialised boarding schools. A mandatory component is an issue of ensuring interstate and intersectoral cooperation on the protection of children's rights, involving a wide range of citizens in the policy of observance and protection of children's rights. It is necessary to solve the tasks of systematisation, development, and coordination of further measures of the state and society on the conceptual, organisational, and legislative development of the institution of the Commissioner for Children's Rights in Kazakhstan (Maksymenko, 2024).

Figure 3: Dynamics of Sexual Crime Against Minors in the Republic of Kazakhstan (2015–2020)



Source: Own proceedings

Current policies and practices affect the actual well-being and safety of children in Kazakhstan in a number of ways. On the one hand, the government of Kazakhstan has shown a clear commitment to international standards by ratifying important instruments and enacting laws to protect children's rights. However, the untimely and ineffective implementation of these laws and policies leads to serious problems. Problems such as the growing number of complaints about violations of children's rights, including cases of sexual abuse and other forms of violence, remain unresolved in Kazakhstan. The increase in crime against minors, in particular sexually oriented crime, indicates the insufficient effectiveness of the system of prevention of crime against children. In addition, there are problems with the protection of children from violence in families, including in foster care, as well as with insufficient regulation and prevention of sexual violence (Yara and Stasiuk, 2021). Compared to international standards in this area, Kazakhstan's policy has some gaps and shortcomings. Although the country has ratified important conventions and adopted laws to protect children's rights, the implementation of these norms is hampered by the ineffectiveness of the justice system, lack of adequate prevention activities, and shortcomings in the legislation. While Kazakhstan is committed to international standards on children's rights, significant efforts are still needed to ensure that the country's policies are fully compliant with these standards and to improve the actual safety and well-being of children (Report on offenses against..., 2021).

Thus, according to the results of the study of statistical, regulatory, scientific sources, other information, literary or analytical data, it can be argued that important aspects of the further development of security and guarantee of the exercise of the rights, freedoms, and interests of children in Kazakhstan is to improve the efficiency of social services and other authorities, public associations with appeals and statements of independent citizens, relatives, and children themselves about the violation of their rights and freedoms. Furthermore, the issues of violence in biological and foster families, specialised children's institutions, for example, boarding schools, criminal legal protection of a child from sexual harassment, the development of game forms of activity in preschool organisations of the education system, violent mortality of the younger generation remain relevant. Moreover, this expanded problem is not new for social policy and legislative regulation in developed countries. Many studies of researchers, practitioners, and specialists, including the ones from EU countries, are aimed at studying the above-mentioned problematic and urgent issues. In particular, a team of foreign researchers raises the problem of the social danger of neglect and violence against children as a threat to the unhindered and full provision and observance of children's rights to normal and harmonious development, a healthy psyche. In this regard, an empirical study is conducted of numerous violations of the rights of the child in families and outside them, non-compliance with the legitimate interests of the younger generation with the imperfection of the governing public influence in this social sphere (Moreno-Manso et al., 2021).

D. Glaser, upon analysing the shortcomings of criminal law protection against physical assaults and the prevention of violence against children of various ages, indicates the lack of information received by law enforcement agencies regarding suspicions of violent acts on the part of parents. Teenagers are most often silent about the numerous facts of harm and moral humiliation, which does not allow for a timely response to acts of violence by adults by social protection agencies and structures investigating crimes against children. These circumstances, certainly, contribute to the inefficiency of the general criminal law policy of European countries (Glaser, 2021).

A. Johnson and M. Dawson (2021) raise the problem of security and protection of child development and individual rights in the study of the maximum possible form of child abuse: intentional or careless murder, in full biological families and foster homes. The authors, based on the factual data obtained by content analysis of 553 criminal cases related to the occurrence of a fatal outcome against children who have suffered from violent criminal acts, including on the part of parents, concluded that it is necessary to prevent and urgently combat this social negative phenomenon. The importance and practical value of the study by authors are that researchers based on archival information obtained from the courts, coroners, law enforcement agencies, investigators, prosecutor's offices, and even the media, were able to draw conclusions about the impact of close relationships between the victim and the offender. The information and results achieved by these specialists allowed establishing a personal relationship between the behaviour of the victim and the rapist, imperfections in the timely response of surrounding persons and competent authorities to the offences. Having studied out-of-family violent death cases, violence in the biological family and foster home, upon comparing various indicators, the authors were able to

formulate recommendations aimed at improving the system of ensuring and protecting the rights of children, observing their legitimate interests. Therewith, researchers emphasised the importance of the prospects of the article for understanding the factors of a violent order to prevent the murder of a child (Zinsu, 2022).

A. Ebrahimi (2021), in analysing the rights of children and female parents, demonstrates an interesting position and scientific thinking regarding the problems of maternity and childhood protection from the perspective of guarantees in international acts of the subjective right of a child to a healthy and safe diet. Therewith, the author advocates state support for the guarantee and observance of the personal rights of children in the field of breastfeeding, which, as the researcher indicated, is enshrined in various legal instruments of international human rights. In terms of the analysis of the security of the fulfilment in the EU countries of the legitimate interests of refugees from “third countries” (deprived, dangerous, and undeveloped regions of America, Africa, and Asia), author focuses on their right to a safe life, well-being, and comfortable conditions for the development of a child in the family. The author also focuses on the importance of protecting motherhood and childhood, ensuring the safe and normal development of the younger generation, observing the legitimate interests of children in relation to creating conditions for the exercise of the subjective personal right to the highest possible level of physical and mental health. That is, the right to life, develop, and survive, respect for the best interests of the child, enshrined in European and global statutory documents, in particular, Articles 11, 12 of the International Covenant on Economic, Social and Cultural Rights, Articles 3, 6, 15 of the Convention on the Rights of the Child of 1989, etc.

Some European researchers are considering, within the framework of the study of the protection and observance of the rights of children, including those from foster families, the most important competence specified in Article 31 (1) of the Convention on the Rights of the Child concerning the exercise of the child’s right to play. The game form of activity at the initial stage of personality development is the leading one and contributes to the harmonious and comprehensive development of a person. In their publication, Y. Colliver and H. Doel-Mackaway (2021) consider the problems of inaction of power structures in organising legal regulation to exercise and protect the specified right of the child, which is partially associated with constant legislative uncertainty in disclosing the legal and scientific concept of the game as an act of a behavioural process and mental development. Researchers, E. Lazarenko and T. Patrina (2019), upon focusing on the problems of children’s development through play, emphasise that the regulations of the federal, regional, and local levels governing the educational sphere should be substantively based on the awareness of the value of the preschooler’s personality. Legislative regulation of the harmonious development of the younger generation is impossible without defining and fixing the obligation of play activities in children’s collectives of various social groups (kindergartens, family-educational groups, etc.). Notably, in this regard, the Reports of the Commissioner for the Rights of the Child in Kazakhstan and legal regulations adopted in the field of social policy of the state also do not cover the problems of the mandatory methodological and practical provision of play classes in preschool institutions, which seems to be a very considerable flaw in the field of ensuring the rights of the younger generation. Therewith,

ensuring the exercise and protection of the international right of the child to play is an urgent social problem for organisations of the preschool education structure in the country (Moroz et al., 2023; Spytka, 2023).

According to the results of the study, Kazakhstan has recorded a considerable increase in crime against minors, including sexually-oriented. E. Brennan and R. McElvaney (2020), when highlighting the problems of child neglect in certain disadvantaged families, associate numerous violations of child rights not only with acts of cruel physical treatment but also, directly, with their most negative form – sexual family violence.

Other researchers also focus their attention on this problem, identifying various aspects of sexual violence related to insufficient legal regulation, issues of law enforcement practice and criminal law protection of the inviolability of the child's personality, ensuring its moral and physical health, insufficient prevention of family sexual harassment, including in foster families. C. Guerra et al. (2021) conduct in-depth research on violations of the rights to personal integrity and security among South American teenagers committed with sexual implication outside the family (in schools, children's leisure organisations, on the streets, etc.). The experts emphasise the importance of family support in establishing sexual harassment by peers and adults. Therewith, they discovered considerable obstacles to the detection of data regarding violent criminal acts, dividing them into internal and external factors. A considerable external factor, in their opinion, is the imprompt response of competent organisations to criminal sexual acts of adults against children, which determines the imperfection of criminal legal protection of Chilean adolescents from dysfunctional families.

J. Mooney (2021) a well-known politician and practitioner, an expert on various social processes, upon highlighting the problems of observing children's rights to nonviolent upbringing and development, including problems of sexual and moral violence, indicates that only a clear and thoughtful policy of public authorities regarding the younger generation can lead to a reduction in the problems of harsh treatment of a child in an ordinary or foster family. Considering that the materials for the study were practical developments of social services in Ireland, the study of author has a pronounced law enforcement aspect. This researcher raises the problems of developing and formulating a general methodological guide for social workers, which may include legal developments based on various data on individual acts of violence against children. In addition, he suggests using the achievements of the European Union regarding the provisions on victims formulated in the EU Directive to improve this area of social practice in Ireland. The researcher attempts to develop practical and policy recommendations based on information received from subjects of violence and studies on the problems of interaction between government structures and social services. In general, this study is of interest from the standpoint of applying its results in the practical activities of child care services in Kazakhstan to increase the effectiveness of identifying and establishing various acts of violence in families against children and providing timely support to the younger generation.

The current position of English researchers is also of interest, who analyse the issues of the participation of social services in family disputes by visiting the place of residence

of the population under travel restrictions and quarantine associated with the spread of COVID-19. In the field of observance and protection of children's rights, the priority of ensuring the safety of the child to prevent harm to the child's psyche and body is an important component of the introduction of new methods in the activities of the social service in interaction and communication with children and families. As empirical and statistical sources of information, experts used data from official bodies of the United Kingdom and the United States on child abuse and neglect, reports from public control and supervisory services (Dorofeeva and Kiva, 2018; Appleton and Sidebotham, 2020). This publication is also relevant for the activities of social and other public bodies and services for the protection of children's rights in Kazakhstan since the verification of dysfunctional families and various educational organisations are limited in the modern period during the pandemic. The analysis of all the studied journalism, statistical materials, reports of official authorities, and the practice of social activity led to the conclusion that much attention is paid to the conditions and factors for achieving stable, comprehensive, and full development of a child's personality in Kazakhstan, due to shortcomings in legislative elaboration and law enforcement practice (Tyndall, 2018; Ratcliffe et al., 2020; Jolliffe, 2021).

Acknowledging the limitations of a study is essential for maintaining transparency and credibility in research. In this study, several limitations should be noted to provide a comprehensive understanding of its scope and potential constraints. The study primarily focuses on child protection in Kazakhstan, which may limit its generalizability to other countries or regions with different socio-cultural contexts, legal frameworks, and institutional structures. While the insights and findings presented here may offer valuable insights for similar contexts, caution should be exercised when extrapolating the results to diverse settings. The nature of the data sets used in this study may impose certain limitations on the depth and scope of the analysis. For instance, relying on statistical data and reports from official sources, such as the Commissioner for Children's Rights, may overlook nuanced experiences or perspectives not captured within these datasets. Additionally, the availability and quality of data may vary across different regions or periods, potentially affecting the accuracy and reliability of the findings.

IV. Conclusion

This study has identified key challenges pertaining to the adherence, assurance, security, and safeguarding of children's rights and personal interests within the governance framework of the Republic of Kazakhstan. It has encompassed a broad spectrum of issues including child violence, neglect, juvenile delinquency, criminal and legal protection, and sexual harassment. This comprehensive examination underscores the intricate and multi-faceted nature of the study. Among the array of publications and research works scrutinizing the protection of children's rights both within and beyond family contexts, particular emphasis has been placed on addressing family and societal violence against children and examining national policies aimed at upholding minors' rights. Moreover, the study delves into the criminal and legal challenges associated with ensuring the safety and integrity of children.

Official statistics, data, and reports from the Commissioner for Children's Rights in Kazakhstan between 2018 and 2020 highlight a significant trend: a notable increase in appeals from citizens, interested parties, and public institutions seeking redress for violations of children's rights. Furthermore, the statistical data provided and the results of an in-depth content analysis of the reports of the Commissioner for the Rights of the Child of the Republic for 2019–2020 show a considerable potential and an urgent area of work to achieve improvement of the system of protection of the rights of the child.

To summarise, it can be noted that the following should be promising areas for the development of the system of ensuring the exercise of the rights and protection of the interests of the child in Kazakhstan, the fight against neglect and violence in all its forms:

- * improvement of certain areas of work of social services and other authorised authorities, public associations with complaints and statements of disinterested citizens, relatives, and children themselves about violations of their rights and freedoms;
- * achievement of a considerable reduction in violence in biological and foster families, specialised children's institutions, for example, boarding schools;
- * improvement of the effectiveness of the application of measures of child's criminal legal protection from sexual harassment;
- * development of game forms of activity in preschool organisations of the education system;
- * reduction of violent mortality of the younger generation, including by taking emergency measures to identify the acts of family violence against young children;
- * provision of information and analytical support for making joint decisions with the population and families in the field of public administration of social processes while ensuring the full development of children, the exercise of their subjective rights, and the protection of legitimate interests.

This study is of theoretical interest and practical importance for social workers and psychologists, representatives of the scientific community, for official employees of the supervision and control bodies for the prosperous development of the younger generation, investigative and judicial structures, representatives of guardianship and custody, etc.

References

- Appleton, J. V., Sidebotham, P. (2020). Child protection work: How can we make it a better experience? *Child Abuse Review*, 29, 499–504.
- Brennan, E., McElvaney, R. (2020). What helps children tell? A qualitative meta-analysis of child sexual abuse disclosure. *Child Abuse Review*, 29(2), 97–113.
- Colliver, Y., Doel-Mackaway, H. (2021). 31 years on: Choice and autonomy as a framework for implementing children's right to play in early childhood services. *Human Rights Law Review*, 21(3), 566–587.
- Dorofeeva, Zh. P., Kiva, S. N. (2018). The role and place of some subjects of the state system of prevention in the implementation of the protection of children's rights. *Vestnik of Putilin Belgorod Law Institute of Ministry of the Interior of Russia*, 4, 17–23.

- Ebrahimi, A. (2021). Breastfeeding in refugee camps: A child and maternal right? *Human Rights Law Review*, 21(3), 533–565.
- Glaser, D. (2021). Safeguarding children when fabricated or induced illness is suspected or proven. *Child Abuse Review*, 30(3), 185–192.
- Guerra, C., Arredondo, V., Saavedra, C., Pinto-Cortez, C., Benguria, A., Orrego, A. (2021). Gender differences in the disclosure of sexual abuse in Chilean adolescents. *Child Abuse Review*, 30(3), 210–225.
- Habarova, A. YU. (2015). Protection of the rights of the child in international law. *Scientific notes of Orel State University*, 2(65), 239–244.
- Johnson, A., Dawson, M. (2021). Comparing child homicide: An examination of characteristics by degrees of intimacy. *Child Abuse Review*, 30(3), 251–267.
- Jolliffe, C. (2021). Training update of APSAC/foundling on-line course for child welfare and child maltreatment professionals developed by the American professional society on the abuse of children (apsac) and The New York foundling. *Child Abuse Review*, 30(3), 269–270.
- Komarynska, Y., Polian, P. (2023). Criminal offences related to domestic violence: Structure of the investigation methodology. *Law Journal of the National Academy of Internal Affairs*, 13(1), 28–35.
- Lazarenko, E., Patrina, T. (2019). Playing in the life of a modern preschooler. *Bulletin of VIEPP*, 1, 30–36.
- Maksymenko, O. (2022). Problems of administrative liability for domestic violence against children. *Scientific Journal of the National Academy of Internal Affairs*, 27(3), 78–85.
- Maksymenko, O. (2024). International practices in the development of administrative legal relations in the field of child protection. *Law. Human. Environment*, 15(1), 37–52.
- Maksymenko, O. (2021). Methodological foundations of the cognition of children's rights. *Law Journal of the National Academy of Internal Affairs*, 11(2), 13–17.
- McElvaney, R. (2019). Helping children to tell about their experiences of sexual abuse. *Child Abuse Review*, 28(2), 166–172.
- Mooney, J. (2021). How adults tell: A study of adults' experiences of disclosure to child protection social workers. *Child Abuse Review*, 30(3), 193–209.
- Moreno-Manso, J. M., Murillo, M., García-Baamonde, M. E., Godoy-Merino, M. J., Lucas-Milán, M. G., Guerrero-Molina, M. (2021). Disorders in the executive performance of children suffering abuse. *Child Abuse Review*, 30(3), 239–250.
- Moroz, O., Bondar, V., Khatniuk, Yu. (2023). Protection of children's rights as a component of Ukraine's national security. *Social and Legal Studios*, 6(3), 104–110.
- Protection of children's rights in Kazakhstan: Laws, documents, statistics, 2017. (2021). Retrieved from <https://dixinews.today/articles/zhizn/31187>.
- Ratcliffe, J., Gray, J., Bools, C., Wilson, R., Wigfield, A., Mason, W. (2020). Safeguarding children when fabricated or induced illness is suspected or proven: Reviewing the experiences of local safeguarding children boards in England. *Child Abuse Review*, 29(6), 559–573.
- Report on offenses against children (2021). *Analytics and legal statistics. Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic*

N. Apakhayev, K. Adilova, D. Buggybay, A. Toktybaev, D. Kopbayev: *The Problem of Protecting the Rights and Legitimate Interests of the Child in the Family and Outside It*

of Kazakhstan. Retrieved from <https://qamqor.gov.kz/portal/page/portal/POPageGroup/Services>.

Sain, A. (2020). *Report on the results of the activities of the Commissioner on the rights of the child and the situation on the observance of children's rights in the Republic of Kazakhstan in 2019*. Retrieved from <https://bala-ombudsman.kz/wp-content/uploads/2020/01/otchet-upr-2019.pdf>.

Sain, A. (2021). *Report on the results of the activities of the Commissioner on the rights of the child and the situation on the observance of children's rights in the Republic of Kazakhstan in 2020*. Retrieved from https://bala-ombudsman.kz/wp-content/uploads/2021/02/otchet_upr_2020.pdf.

Sar, B. K., Bledsoe, L. K. (2021). Willingness to intervene in child abuse and neglect: An exploratory study. *Child Abuse Review*, 30(3), 226–238.

Spytska, L. (2023). The nature of sexual violence: The criminological concept of victimisation. *Pakistan Journal of Criminology*, 15(4), 1–20.

Subeeva, N. T., Startseva, S. V. (2021). Protection of the rights and legal interests of minors. *International Journal of Humanities and Natural Sciences*, 4–4(55), 144–147.

Tyndall, S. (2018). *Book review of child to parent violence and abuse: Family interventions with non-violent resistance*. London: Jessica Kingsley Publishers.

Utyupin, D. (2020). "It would be better if he killed you": Why is pedophilia growing in Kazakhstan? Retrieved from Masa <https://www.masa.media/ru/site/da-luchshe-by-on-tebya-ubil-pochemu-v-kazakhstane-rastet-pedofiliya>.

Yara, O., Stasiuk, N. (2021). Problematic issues of preventing and countering domestic violence by the prosecutor's office. *Law. Human. Environment*, 12(4), 125–133.

Zinsu, O. (2022). Victimological aspects of the behavior of victims of domestic violence. *Scientific Journal of the National Academy of Internal Affairs*, 27(1), 79–90.