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РЕСПУБЛИКИ КАЗАХСТАН

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ABAY KAZAKH NATIONAL
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**INTERNATIONAL LEGAL ASPECTS OF ADOPTION
OF KAZAKHSTAN CHILDREN BY FOREIGNERS**

Abstract. This paper focuses on the question of adoption of Kazakhstan children by foreign parents. If the child has no parents, the state has to support them, regardless of where the child is. Today adoption is one of the priority institutions for the orphans. In addition, adoption of children is allowed for citizens of Kazakhstan and foreign persons in Kazakhstan. Foreign adoption as a form of the institute of children-orphans is an important mechanism of state protection, the most vulnerable and vulnerable categories of the population – children. This institution has to support interests of children and to protect the rights of the child. However, today we see examples of horrific violations of rights of adopted Kazakh children abroad.

This article gives a brief overview of the national legal regulation of adoption of Kazakhstan children by foreign persons and analysis of international conventions for the protection of children's rights and adoption. In addition, the article reflects the actual problems of adoption of children from Kazakhstan of foreigners and, hence, there will be offered new solutions to the gaps of national legislation and other possible solutions to these problems.

Key words: child, children, adoption, orphan, protection of the rights of the child, the family, foreign adoption, Kazakhstan.

Introduction

Today adoption is one of the most progressive forms of protecting the interests of children-orphans and children left without parental care. However, the best care for the child is the care by his biological parents.

The main reasons for the growth of orphans are economic instability, inadequate living standards of families, unemployment etc. One of the aggravated problems is the issue of social orphans when children, for various reasons are deprived of parental care despite having living parents. Hence, it should be noted that the main task of the state is to increase the efficiency of protection of the rights of the child. Due to the fact that the child is not able to realize and protect their constitutional rights by reason of his physical and mental immaturity, child needs special safeguards and care. Consequently, the state and society should worry about it. Moreover, the health of the younger generation is the driving force of the future state [8, p. 79].

Family legislation of the Republic of Kazakhstan established that the adoption of children is a legal act, by virtue of which the adopted child and his adoptive parent, establishes the legal (personal and property) relations similar to the relations between parents and children [7].

In Kazakhstan, children may be adopted by citizens of Kazakhstan and by citizens of other States. International adoption has become a sustainable practice in Kazakhstan since 1999. Since that time there has been a steady increase in the number of Kazakh children, who found new parents abroad and left the country. Children, who are citizens of RK, can be given in adoption to foreigners only in cases where it is not possible to give these children to the parenting of the citizens of Kazakhstan. Thus, Kazakhstan's legislation provides that international adoption is regarded only as an alternative method of care for a child if it is impossible to refer it to the parenting of the citizens of the Republic of Kazakhstan or the adoption to his relatives.

Most often in Kazakhstan, foreigners adopt sick children with various congenital defects. Taking the child to his country, foreign nationals are able to make him expensive operations that are not yet under the power of our citizens. In this regard, the national adoptive parents prefer to adopt a healthy child.

Methods/Materials and Methods:

The methodological basis of the scientific article is system analysis method. Also, the authors used comparative analysis method. For a complete reflection of reality materials were used, official documents, legal acts, published in various information resources.

Results

"These family-legal relations, complicated by the presence of so-called foreign element, is governed by the rules of private international law, which establishes the legal ties of relationship with the legal orders of several States" [4, p. 352].

The term "international adoption" became widely used relatively recently – since the late 80-ies of XX century, until that time, the concept of "adoption of children by foreigners" and "adoption of foreign children" was used separately.

Legal regulation of adoption in Kazakhstan began from the times of the USSR. This example of it is the Code "On marriage and the family" (repealed in 1998), approved by the Law of the Kazakh SSR on August 6, 1969 (V. 186-188), which suggested the possibility of adoption by a person who is not a citizen of the Republic of Kazakhstan, with the permission of the Ministry of Education. Adoption a citizen of the Republic of Kazakhstan living outside of the Republic was made in the Consulate of the Republic of Kazakhstan [8, p. 80].

Then, in 1993, there were included amendments to article 178 of the code "On marriage and the family (repealed in 1998), after the adoption of the UN Convention on the rights of the child (1989), binding States that have ratified it to recognize and permit the system of adoption, including intercountry adoption. Introduced the legal possibility of adoption "in another country, if the child cannot be fostered or placed in a family that could provide him a foster or adoption, and if the provision of any appropriate care in the country of origin of the child is impossible" (art. 21 of the UN Convention on the rights of the child) - has become the norm, recognizing and providing international adoption, taking into account peculiarities of the national legal system [9].

Kazakhstan has ratified the UN Convention on the rights of the child in 1994. Thus, the country confirmed the need for legal protection of children. The UN Convention on the rights of the child is the Convention on human rights, which establishes the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any person under the age of eighteen years if the age majority is attained earlier under national law. According to the UN Convention on the rights of the child of 1989, ratified by our state, "States parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child were the paramount consideration and they shall:

a) ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such consultations that may be necessary;

b) recognize that inter-country adoption may be considered as alternative means of child care if the child cannot be fostered or placed in a family that could provide him a foster or adoption, and if the provision of any appropriate care in the country of origin of the child is impossible;

c) Ensure that in the event of adoption of a child in another country applied the same safeguards and standards which apply to adoptions within the country;

d) Take all necessary measures to ensure that in case of inter-country adoption child adoption does not lead to obtaining undue financial benefits associated persons" (article 21) [9].

In addition, the Resolution of the Supreme Council of the Republic of Kazakhstan of 31 March 1993 "On ratification of the Convention on legal assistance and legal relations in civil, family and criminal matters", applicable now also recognizes the adoption if the child is a citizen of the other Contracting party (article 37), the resolution must obtain from the competent state body or legal representative of the child [8, p. 80].

The Minsk Convention was concluded on 22 January 1993 in the framework of the CIS. Article 37 of the Convention is devoted to the questions of adoption and its abolition.

In this Convention recognises the principle of nationality of the adoptive parent: adoption or Cancellation is determined by the laws of the state of nationality of the adopter at the time of submission of the application about the adoption or its cancellation (p. 1. article 37). In cases of adoption or its cancellation, the competent institution of the state which citizen is the adoptive parent at the time of submission of the application about the adoption or its cancellation (clause 4, article 37)

If one of the spouses of the adoptive parents is a citizen of one state party to the Convention, and the other a citizen of another state party, the adoption or its cancellation must be carried out in accordance with the conditions provided by the law of both States. In such a situation, in cases of adoption and cancellation of adoption, the competent authorities of the country in whose territory the spouses have or had the last joint place of residence or whereabouts (n. 4. 37). When a child is adopted by a citizen of another state party to the Convention must also obtain the consent of the legal representative and the competent public authority, as well as the child's consent, if required by law of the state of which he is a citizen (paragraph 2 of article 37) [16].

Adoption and guardianship are two kinds of relations, requiring special responsibility and serious approach. Taking a serious decision about adoption or guardianship for a child, you must be ready not only morally, but also legally.

On 26 December 2011 the head of state of the Republic of Kazakhstan signed the Code "On Marriage (matrimony) and family". In the implementation of the code was developed and validated ten orders of the Government. They are all aimed at securing social and legal guarantees for the quality of life of children. Six of the ten resolutions relate to adoption issues.

Under this code, on 30 March 2012 there was adopted the Resolution of the Government of the Republic of Kazakhstan No. 380 "On approval of Rules of transfer of children being citizens of the Republic of Kazakhstan, on adoption," which provides details on the procedure of adoption as citizens of Kazakhstan and foreigners.

The law of RK "on marriage and family" in detail is given the procedure of regulation and the legal consequences of adoption, as well as the grounds and procedure for termination. This allows ensuring the rights and interests of the child and persons intending to adopt him. According to paragraph 26, "the Transfer of children for adoption to foreigners, held on the Central register, is carried out in case of impossibility of transferring them to the parenting of relatives irrespective of their nationality and place of residence, citizens of the Republic of Kazakhstan, permanently residing on the territory of the Republic of Kazakhstan and abroad, on expiry of three months from the date of production on centralized basis". Individuals can adopt not only healthy children but also patients, so they should find out if there are opportunities for adoptive parents not only to maintain and educate, but also to treat it. In this case, it should be borne in mind that the law does not prescribe as a ground for annulment of adoption the state of health, if illness of the child, the adoptive parents will be.

Procedure of child adoption by foreign citizens has its peculiarities in connection with the adoption of a foreign element.

Foreign adoption as a process of family child left without parental care consists of several stages:

- 1) Selection, approval and training of prospective adoptive parents;
- 2) Trial;
- 3) Completion of foreign adoption (Registration of birth certificates, control over the adaptability of the adopted child in the adoptive parents ' family) [6].

According to article 84 of the adoption of the Code must be children, whose one or both parents are:

- died;
- abandoned the child;
- deprived of parental rights;
- gave consent to the adoption of the child;
- to be recognized by the court as incapable, missing
- or dead;
- and unknown.

Individuals can adopt only minor children whose birth was duly registered. It is also worth remembering that adoption can only be done in their best interests taking into account possibilities for ensuring the full physical, mental, spiritual and moral development of the child. This takes into account the age, maturity and the child must consent to adoption.

In this case, if the parents abandoned the child, the relatives can take it, regardless of their nationality and domicile. Adoption is only permitted in respect of minors and only in their interests. Brothers and sisters may not be adopted by different families. Such adoption is possible only if the children do not know about their kinship, did not live and were not brought up together [1].

As shows the analysis of judicial practice and the real situation in all cases, there is an international and foreign non-governmental organizations (agencies) involved in international intermediation of foreign adoptive parents, who must be accredited according to the Code of the Republic of Kazakhstan "On marriage (matrimony) and family". The total number accredited in Kazakhstan of 20 agencies, they are based in Europe, USA and Canada. They are like "Little Miracles International" (USA), "CARS – International Adoption" (Canada), "C. I. F. A. Onlus – Centro Internazionale per L'Infanzia e la Famiglia" (Italy), "IAC" (England), etc [3]. These agencies provide a variety of services in the selection of the state for adoption, in the collection of documents and other nuances before adoption and after it [19]. Moreover, these services require a lot of money, which our citizens can not even earn. It is one of the reasons why our citizens are hard to adopt (adopt) their own children.

The procedure of adoption of Kazakhstan children by foreigners begins with the submission of documents (application, proof of income, health status, criminal record, identity documents and the availability of housing, etc.) to the authorized body of RK. Then, the notified body through accredited agency sends child's documents to the applying foreign adopters for review. In addition, this body shall notify about the aspiring adoptive parents and the arrival of them if they drove from your state to Kazakhstan. Then they visit educational, medical or other organization where the child is. But the adoptions by foreigners shall be decided by the court at the location of the child on the basis of their statements with the obligatory participation of the adoptive parents, representative of the authority and of the Prosecutor [14].

The need for the accepting of draft resolutions concerning issues of adoption is determined by the following reasons. First, the old order of adoption do not differ in transparency, thus caused a lot of discussion, biased opinions, and complaints. Therefore, there was developed a new regulatory law would provide a streamlined system of registration of citizens intending to adopt children.

This document was introduced the process of accreditation of adoption agencies (this is typical of international practice). A rule of accreditation of adoption agencies was adopted on 30 March 2012. The rules determine the order of accreditation agencies carrying out activities on adoption of children on the territory of the Republic of Kazakhstan through the establishment of branches or representative offices.

According to the decree on approval of rules of accreditation of adoption agencies, the adoption Agency is a non-profit foreign organization carrying out activities on adoption (adoption) of children in the territory of the state and accredited to carry out such activities on the territory of the Republic of Kazakhstan in the procedure established by the Code. Accreditation is subordinated to adoption agencies operating in this sphere on the territory of the state for at least ten years at the time of the application for accreditation. The Agency establishes a branch or representative office in one of the administrative-territorial units of the Republic of Kazakhstan. Employees of the branch and (or) representatives may not be employees of the authorized body, local Executive bodies, organizations for children-orphan and children left without parental care, including their spouses and close relatives. Accredited agencies are required to provide in the first three years following the date of adoption of the child after reports twice a year. And then until the child reaches adulthood adoptive parents should report every year.

The accreditation Agency, including refusal of accreditation is considered by the authorized body. For accreditation, agencies must provide certain documents such as

- notarized copies of constituent documents;
- copy of the document issued by the competent authority of the custodial state Agency, confirming its authority to implement the activities in the relevant field;

— a letter of recommendation of the competent authority of the state issuing the document confirming powers of the Agency, or the supervising Agency about the possibility of the implementation of relevant activities on the territory of the Republic of Kazakhstan;

— the list of services provided by the Agency to candidates for adoption, with an indication of their value;

— the obligation to exercise control over the living conditions and upbringing of adopted children and to provide appropriate reports and information in the prescribed manner;

— the obligation to exercise control of registration in the consular institution of the Republic of Kazakhstan, adopted child on arrival of the adoptive parents in the state of residence;

— notarized power of attorney issued by the Agency Trustee.

And also there is identified the measure of responsibility of accredited agencies for failure to provide reports on living conditions, education and health of Kazakh children adopted by foreigners. Control of the activity of accredited agencies in Kazakhstan will be conducted by the Ministry of foreign Affairs of RK, the authorized body for the protection of children's rights and law enforcement. In the cases of any violations, the activity of the branch on the territory of Kazakhstan will be terminated [13]. According to article 640 of the management No. 1 on intercountry adoption the Permanent Bureau of international law in The Hague the state of origin has the right to establish the number of accredited foreign agencies in their country in relation to the number of children subject to adoption before issuing a permit. Therefore, the number of foreign agencies accredited in Kazakhstan will be limited.

The adoption of children by foreigners in recent years is of particular interest. If until the mid XX century was recorded isolated cases of such adoption, by the end of 1980-ies, this assertion has become a common practice. During this period the term "international adoption" begins to be widely used, combining the previously used separately the concepts of "adoption of foreign children and adoption of children by foreigners."

Discussion

In Kazakhstan, international adoption has become a permanent practice since 1999. In 2010, the Republic has suspended the acceptance of documents in connection with the ratification and preparation for the transition under the Hague Convention on foreign adoption. Consequently, the adoption of orphans by foreigners has been stopped, but the moratorium can be lifted at any time. It took a long time for a decision on ratification of the Convention. Because of the complexity and delicacy of the question of adoption and the heated debates that raged between its supporters and opponents [1].

The Hague Convention on protection of children and cooperation in respect of intercountry adoption of 29 May 1993 is an international agreement to safeguard international adoptions. The Convention requires parties to establish a Central authority to be the authoritative source of information and points of contact in this country.

The Convention aims to prevent the abduction, sale or trafficking in children, and it works to ensure that international adoption is in the best interests of children. The document also recognizes international adoption as a means that helps to find suitable parents for children, they are not found in their homeland. The Convention also provides for recognition by other countries, adoption in accordance with the Convention [11].

Kazakhstan is the only country that ratified the Convention between CIS countries. This document specifies minimum set of legal protection of adopted children, which can only be supplemented by the government when creating their own regulatory framework. Priority in adoption is given to the country of origin of the child, if it is not possible to transfer these children to parenting of the citizens of the Republic, the procedure of international adoption. The Convention prohibits private and independent adoptions. Private international adoption (adoption, organized foster parents and biological parents) is not appropriate for the Convention. Independent adoption when the prospective adoptive parents, approved by the Central authority or an accredited body and then travel to the country of origin in search of a child for adoption, which are not regulated and not under the leadership of the Central authorities in the two countries correspond to the principles of the Convention [4, p. 353]. It should be noted that this ratified convention provides a mechanism for the return of the child to the country of origin if the adoption is not

beneficial [11]. Until that time, for our legislation, no such possibility was envisaged, but such a mechanism is necessary.

In addition, Kazakhstan is a party to the Hague Convention on the civil aspects of international child abduction of 25 October 1980. The objective of the Convention is to provide international protection to the children from the harmful effects of their wrongful removal or retention and to establish procedures for their rapid return to the country of their usual residence, and protection of the right to communicate. Functions of the Central authority on implementation of the Convention in Kazakhstan carried out by the Committee for the protection of children's rights of the Ministry of education and science of the Republic of Kazakhstan [15].

According to statistics of the Ministry of foreign Affairs in General, during the years of independence, foreigners have adopted about 9 thousand children from our country.

"The total number of adopted children over the years of independence is about 9 thousand; the biggest share of the adoptive parents until 2011 is from the US (more than 6 thousand children). Traditionally, a lot of children were adopted by Irish citizens, citizens of the United Kingdom, Germany, and France. Mainly citizens of European countries do adopt. In 2015 there were adopted 35 children and in 2016 10 children were adopted. In 2011, due to problems of access of our consuls and diplomats to our children and information about kazakhstani children, the procedure of adoption of our children by US citizens was suspended. Now we seek to obtain full information on the fate of our children, about their conditions of detention and the possibility of a normal access," - said the Minister E. Idrissova at the reporting meeting with the population in Astana in June 2016 [10].

But the problem here is that not all Kazakh children who were adopted by foreigners delivered to the Consulate list in 1999. Since that time, i.e. in 2001-2002, according to our domestic law, foreigners adopted children only by the courts' decision, and without it any child did not leave the country. Therefore, foreigners at the court took the children's papers in the Ministry of internal Affairs, promising children are put to the Consulate at the place of residence but none of them fulfilled their obligations. This is the information of the Department of consular service of the RK.

Therefore, in 2003 the Ministry of foreign Affairs of Kazakhstan issued a decree which clearly stated that a foreign family to adopt a Kazakhstan child until they leave the country must provide information concerning them to the Department of consular service. And how many children were not accounted for remains unknown [17].

The number of adoptions by foreign citizens recently dropped. Primarily this is due to a change in the procedure of international adoption; one of the reasons is the identification of cases of abuse of adopted Kazakh children.

USA dominates the number of adopted children from Kazakhstan. For example, according to the Bureau of statistics on international adoptions of the U.S. Department of State since 1999 till 2015 there were adopted 6421 orphans, more than 2 thousand of which children under the age of one year, about 1,700 children are 1-2 years old, and more than half of them are female [12].

At the moment the adoptions by U.S. citizens have been suspended in Kazakhstan in connection with the incident, which occurred with two adopted children from Kazakhstan. A moratorium on the adoption of young Kazakhstani residents of the United States has been in almost four years. This decision was taken after it became known about the fate of two children from Kazakhstan, where their adoptive parents in the US sent them to a camp for troubled Teens. This institution was previously deprived of his license to work with children, but continued to work as a "religious organization". According to some information, the children are exposed to be bullied there [20].

Later it became known about another horrific case, that two adopted Kazakhstan orphans were regularly raped by their adoptive parents. The injured girl was only eight years old and boy was thirteen [21]. In addition, in early 2016, two young native of Akmola region were killed in the US. American stepfather shot adopted children, then his wife and himself. After such egregious cases of Kazakhstan still cannot resolve the issue with checking the current life of the adopted Kazakhstan children in the United States, so as obtaining information about them remains difficult. The reason is that US citizens simply do not report detailed information about the adopted, and the competence of our consular services does not have the power to resolve this issue at the moment [22].

These cases are not single, as were known the negligence of foster parents in relation to the Kazakhstan children. Such horrific incidents have caused great resonance in society. In addition, considering adopted children that were missed and not put on the consular registration of children, such cases may remain unsolved.

In addition, the reason for the suspension of adoptions by U.S. citizens is related to the failure of the American side on post-adoption reports to Kazakh authorities of a certain number adoptive Affairs after the adoption of the Kazakhstan Code "On marriage and family."

After the United States, European countries adopts Kazakh orphans most. Among the adopting countries in the lead of states such as Ireland, Spain, Germany, etc [17]. But the cases of violence against them are not registered. Despite this, the Kazakhstani orphans are not stationed in one place, but scattered throughout the country, if we take as an example of one European country, e.g. Spain. Therefore, we need a special body that will monitor the fate of Kazakh children adopted by foreigners.

Conclusion

In our opinion, protection of the rights and interests of children that left without parental care, should be done from the point of view of ensuring his upbringing, as close as possible to the family, and his right to be brought up in the family. The problem of orphans should be resolved on the principle of "for every child - family" not "family for child". In this regard, the preferred form of the device of children without parental care is adoption.

Summing up, it can be noted that international adoption in Kazakhstan still has problems and to solve it there is necessary to highlight possible solutions.

Functions of consulates on the control of adoptee are not implemented properly. According to the Order of the Minister of education and science of the Republic of Kazakhstan "On approval of Rules of accounting reports and information about the production of the adopted children to the Consulate" - the first three years after the entry into force of the court decision on adoption, the report is provided every six months. Further reports are provided annually [18]. Unfortunately, these requirements are not implemented by many foreign adoptive parents. They refuse to give the report to the MFA; they explain it by the fact that adopted children become citizens of another state. There is a need to establish a Committee for the protection of the rights of adopted children, which will keep track of adopted children, and oblige states to provide reports. The Committee should work independently, that is, members of such a Committee should represent the interests of children and to protect their rights. Their responsibilities need to transfer the functions of consulates in the monitoring and verification of life of families who have adopted Kazakhstan children.

In addition, we propose to adopt a law on the protection of the rights of adopted children. As adopted children are citizens of Kazakhstan to 18 years of age, adoptive parents must follow legislation, so this legislation may include obligations of adoptive parents before our state for the care of the adopted Kazakhstan. Therefore, our government should care about them as the future of its citizens.

In addition, there are cases of return home of adopted Kazakhstan children by foreigners. Jeanne had been orphaned at the age of 5 by U.S. citizens, but at 16 she decided to return to Kazakhstan. But this return lasts for the time of study in order to get acquainted with the culture, society and language. Now she is studying at KIMEP, but as she says, she is studying for fee [23]. From this we can state that our government does not maintain relations with adopted Kazakhstan kids abroad, and especially government is not trying to attract them to Kazakhstan. If we take the example of other countries that allow adoptions by foreigners such as China and Korea, their government purposefully arrange cultural and language trips for their children adopted by foreigners. Therefore, the government needs to support returning children home such as Jeanne, financially and culturally. For example, it is necessary to organize cultural, touristy and language travel to Kazakhstan for the adopted, we can offer educational grants and discounts in Kazakhstani institutions of higher education and training in Kazakhstan for the graduated, adopted children.

The most important thing for children is family. If the state will help orphans to have a head over the roof and the family, and childless family, but rather to our citizens, help find the child, our country will prosper. But foreign adoption, as an alternative way of acquiring children, needs improvement of the legal

system. After the inclusion of the entire above-mentioned proposal, we believe it will give a chance to our children to get family.

REFERENCES

- [1] Jandarbek B. Adoption in the family law of the Republic of Kazakhstan (in Russian) // URL: <http://www.studmed.ru/>
- [2] Code of the Republic of Kazakhstan of 26 December 2011 No. 518-IV "On marriage (matrimony) and family" (in Russian) // URL: <http://adilet.zan.kz/>
- [3] The Committee for the protection of children's rights of the Ministry of education and science // URL: <http://www.balakkk.kz/>
- [4] Sabikenov SN., Abdraimova, A. A. Basic aspects of international legal regulation of the institution of adoption // the Bulletin of KazNU. International relations and international law Series. **2014**. № 2(66). P. 352-357. (in Russian)
- [5] I.M. Rachek. The Mechanism of protection of children's rights at the international, European and national levels // Bulletin of the Tomsk University. **2013**. No. 373. P. 119-122. (in Russian)
- [6] Alieva L. R. the Procedure of adoption of Kazakhstan children by foreign citizens by the legislation of the Republic of Kazakhstan // Bulletin of the University. **2006**. (in Russian) // URL: <http://articlekz.com>
- [7] The law of RK "On marriage and family" dated 26 December 2011 No. 518-IV (in Russian) // URL: <http://adilet.zan.kz/>
- [8] Kalashnikov N. Adoption in Kazakhstan: Evolution of the legislation about orphans and children left without care of parents/ Legal reform in Kazakhstan, №2 (24)2004/ p. 79-83 (in Russian)
- [9] The UN Convention on the rights of the child Adopted by General Assembly resolution 44/25 of 20 November 1989 // URL: <http://www.un.org/>
- [10] The speech of the Minister of foreign Affairs of the Republic of Kazakhstan Erlan Idrissov at the reporting meeting with the population/press-service of MFA RK (in Russian) // 20.06.2016. URL: <http://www.mfa.kz>
- [11] The Hague Convention on protection of children and cooperation in respect of intercountry adoption of 29 may 1993 // URL: <http://usynovite.ru>
- [12] The Bureau of Consular Affairs, U.S. Department of State/Intercountry Adoption // URL: <https://travel.state.gov/content/adoptionsabroad/en/about-us/statistics.html>
- [13] About approval of Rules of accreditation of adoption agencies - The Order of the Minister of education and science of the Republic of Kazakhstan of 9 December 2014 No. 513. Registered in Ministry of justice of the Republic of Kazakhstan on March 3, **2015** No. 10372 (in Russian) // URL: <http://adilet.zan.kz>
- [14] Resolution of the government of the Republic of Kazakhstan from March 30, **2012** № 380 "On approval of Rules of transfer of children being citizens of the Republic of Kazakhstan, on adoption" (in Russian) // URL: <http://adilet.zan.kz>
- [15] The Hague Convention on the civil aspects of international child abduction of 25 October 1980 // URL: <http://www.balakkk.kz/>
- [16] The Minsk Convention on legal assistance and legal relations in civil, family and criminal matters of 22.01.1993 (in Russian) // URL: <http://www.cisarbitration.com/>
- [17] Zhanar Baiseitova "It is a Pity that the Kazakh children adopted by foreigners will not serve the Fatherland" /Turkestan/ No. 44. (in Russian) // URL: <http://www.altyn-orda.kz/>
- [18] About approval of Rules of accounting reports and information about the production of the adopted children to the Consulate/the order of the Minister of education and science of the Republic of Kazakhstan from March 20, 2012 №112 (in Russian) // URL: <http://adilet.zan.kz/>
- [19] IAC The Center for Adoption // URL: <http://www.icacentre.org.uk/>
- [20] Kazakhstan has suspended accepting applications for adoption of children by Americans/RIA Novosti//13.06.2013– URL: <https://ria.ru/>
- [21] Pavel Voronin In the US adoptive parents are accused of raping children adopted from Kazakhstan // 31.07.2013– URL: <http://www.zakon.kz>
- [22] Bogdanovsky A. Killed in US children adopted in Kazakhstan at the age of three and five years/RIA Novosti //29.02.2016 – URL: <https://ria.ru/>
- [23] Rahim Raihan Adopted by a Kazakh from the United States returned home at the call of the dombra (in Russian) //19.03.2017 – URL: <http://www.altyn-orda.kz/>

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МЕЖДУНАРОДНО-ПРАВОВЫЕ АСПЕКТЫ УСЫНОВЛЕНИЯ КАЗАХСТАНСКИХ ДЕТЕЙ ИНОСТРАНЦАМИ

Аннотация. В настоящей статье основное внимание уделяется вопросу об усыновлении казахстанских детей иностранными родителями. Если у ребенка нет родителей, государство должно их поддерживать, независимо от того, где находится ребенок. Сегодня усыновление является одним из приоритетных институтов для сирот. Кроме того, усыновление детей разрешено гражданам Казахстана и иностранным

гражданам в Казахстане. Зарубежное усыновление детей-сирот как институт является важным механизмом государственной защиты, наиболее уязвимых и слабых категорий населения - детей. Этот институт должен поддерживать интересы детей и защищать права ребенка. Однако сегодня мы видим примеры ужасающих нарушений прав усыновленных казахских детей за рубежом. В данной статье приводится краткий обзор национального правового регулирования приема казахстанских детей иностранными лицами и анализ международных конвенций по защите прав детей и их усыновлению. Кроме того, в статье отражены актуальные проблемы усыновления детей из Казахстана иностранцами, и, следовательно, будут предложены новые решения в отношении пробелов национального законодательства и других возможных решений этих проблем.

Ключевые слова: ребенок, дети, усыновление, сирота, защита прав ребенка, семья, иностранное усыновление, Казахстан.

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ҚАЗАҚСТАНДЫҚ БАЛАЛАРДЫ ШЕТЕЛДІКТЕРДІҢ АСЫРАП АЛУЫНЫҢ ХАЛЫҚАРАЛЫҚ ҚҰҚЫҚТЫҚ НЕГІЗДЕРІ

Аннотация. Аталған мақалада қазақстандық балаларды шет елдік ата-аналардың асырап алу мәселесіне айрықша назар аударылады. Егер баланың ата-анасы болмаса мемлекет қай жерде екендігіне қарамастан оны қолдауы қажет. Бүгінгі күні жетімдер үшін асырап алу негізгі институт болып табылады. Сонымен қатар, Қазақстанда балаларды асырап алу Қазақстан азаматтарымен қатар шет елдіктерге де рұқсат етілген. Жетім балаларды асырау институт ретінде халықтың әлсіз және әлжуаз санаты - балаларды мемлекеттік қорғаудың маңызды тетігі болып табылады. Бұл институт балалардың мүддесін қорғап, бала құқықтарын қорғауы тиіс. Алайда, бүгін біз шет елдіктер асырап алған қазақ балаларының онда құқықтарының бұзылуының қорқынышты мысалдарын көріп жүрміз. Осы мақалада қазақстандық балаларды шет елдіктердің асырап алуын ұлттық құқықтық реттеудің қысқаша сипаттамасы мен бала құқықтарын қорғау мен оларды асырап алу бойынша халықаралық конвенцияларға талдау жасалынады. Сонымен қатар, мақалада қазақстандық балаларды шет елдіктердің асырап алуының өзекті мәселелері қарастырылады, ұлттық заңнамадағы олқылықтарды жоюға байланысты жаңа ұсыныстар жасалынады және аталған мәселені шешудің өзге де жолдары көрсетіледі.

Түйін сөздер: бала, балалар, асырап алу, жетім, баланың құқығын қорғау, отбасы, шет елдік асырап алу, Қазақстан.

МАЗМҰНЫ

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