

Kazakhstan: Finding the Fulcrum to Make Human Dignity a Social and Legal Value

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This research is an explorative survey of the value of human dignity, as the basis of a welfare state in Kazakhstan. It demonstrates how, under the pressure of mass protests of mothers with many children, it is agreed that the social policy of a country materially support families. The study provides evidence of how the mass rallies of mothers, together with the change of the thirty-year rule of the first president, has led to a formal reconsideration of assistance to low-income families in the Republic of Kazakhstan. The study also referred to universal and international Acts and Legislation that have approved the inclusion of human dignity, as a norm to create a social state. It was also found that despite amendments, the Kazakhstan constitution did not adequately address poverty among families, particularly those of children with disabilities. Further, this study demonstrates that in a modern state, social aid for parenthood and childhood is not an act of charity but a matter of human rights which the state must grant to its people.

Key words: *Kazakhstan, family, child, social benefit, social rights, poverty.*

INTRODUCTION

The ancient Greek scientist Archimedes had expressed: "*Dos moipu sto, kai tan gan kinaso*" – "Give me the place to stand, and I shall move the earth". Today in Kazakhstan there is no such fulcrum, which could be the beginning of the path to forming a welfare state. It is necessary to find and determine the "lever of Archimedes" that could turn the development of

the country, with the least effort, into the mainstream of improving the quality of human life -
- of providing social security at all stages of life.

At the beginning of 2019, Kazakhstan faced social unrest in the form of mass protests by mothers of many children. They demanded increased social benefits, housing, and privileges. The catalyst for these protests was the tragic incident in Nur Sultan. On a frosty February night of 2019, five sisters died as a result of a fire. The eldest was twelve years old. The youngest was only a few months old. The parents worked the night shift. The family had been living in the capital for about ten years in a rented room measuring only 30 square metres, without basic amenities. The father was engaged in temporary work, providing car repair services while the mother produced plastic cards, in the night shift. The family, by the existing law, received two benefits: care allowance for the youngest child (paid until the child reaches one year old) of USD 60¹; and an allowance to mothers of large families, of USD 28. The subsistence level in Kazakhstan in 2019 is set at USD 78 per month, and the minimum wage is USD 111.

This tragedy of a family that lost five daughters in one night was given extensive coverage in the media and social networks. It revealed the poverty problem of most large Kazakhstani families, of families with disabled children, and of single parents raising children. To cope with social protests, the government set up numerous commissions under local and central authorities, which were to submit proposals and solutions to the accumulated problems of the social protection of families and children. But their work was limited, unsystematic in nature, and aimed at eliminating the consequences, not the causes.

As a result, "the mountain brought forth a mouse". In the spring of 2019, the rules for providing social assistance to the poor, including families with children, changed. The essence of the new aid was that it is payable if the average household income is below the poverty line. The poverty line allowance was fixed at the equivalent of USD 54 or 70% of the living wage. The parents will only be paid the difference between other incomes and the poverty line allowance. Each child will be paid USD 54 each month. The state presented these measures to improve the well-being of families and children, and to offer additional assistance, a "gesture of goodwill" that is not required by the country's Constitution. Moreover, these measures were going to prove an additional burden on the country's budget expenditures and would necessitate infringement of other items.

This study demonstrates that in a modern social state, assistance to families with children is not an act of charity by a country or society. Instead it is to be viewed as the right of a family and a child to social protection under universal international standards, as well as the

¹ The amounts of payments have been converted into the equivalent of US dollars for comparison with universal standards of social support, at the exchange rate of the National Bank of Kazakhstan 383 tenge for 1 dollar.

applicable national legislation. Such a right to social security is categorised as "human dignity" which is natural and inalienable. This study takes the Kazakhstan social assistance system as a case study for this research, which is a post-Soviet model. However, the national system of social protection of parenthood and childhood in Kazakhstan has nothing to do with the systems of countries of the former Soviet Union or Eastern Europe. Although social protection or social security systems exist in almost all countries of the world, each has its own type and pattern. This study only focuses on this uniqueness of the social protection system in Kazakhstan, as no other country has a similar model in the world.

RATIONALE

The rationale behind taking up this study is the uniqueness of the social protection system of Kazakhstan, a model which no other country resembles. There are various types of social security models. Some are common with no identity in their construction, while others may be unique. Due to its uniqueness, several studies have analysed the Kazakhstan model of social assistance (Omarova et al., 2017; Khamzina, et al., 2015; Mukhamadiyeva, et al., 2017). Another reason for this study was that the idea of human dignity underlies the construction of welfare states in many highly developed countries. In some countries this idea of human dignity is even enshrined in constitutions. Ensuring the dignity of an individual has become the very "lever of Archimedes", with the help of which in a very short time countries have achieved impressive successes in measuring the quality of life for families raising children.

We propose to disseminate this experience in the case of Kazakhstan, to understand how the process of forming a state of universal welfare, human dignity has become a real principal value in this country. At the same time, it was important for us to study the extent to which the idea of human dignity is combined with the formation of a legal culture, for citizens of Kazakhstan to uphold their socio-economic rights by peaceful means. Manomano and Mundau (2017) have rightly pointed out that: "any endeavor to promote human rights needs to ensure the active participation of citizens in their areas of development, social and political thinking. The government is to be commended for proclaiming both verbal and non-verbal participation as a basic human right, provided that all forms of participation are both orderly and peaceful. The *Batho Pele* (people first) principles have also made it compulsory for government departments to ensure that the people who are being served also have the means to participate actively, as opposed to being obliged to remain as passive actors."

There are several other such treatises and theories with a great scientific interest in the phenomenon of social protection. They suggest mechanisms for ensuring the social rights of a citizen, handling social security during parenthood and childhood, and tackling the problematic combination of employment and family responsibilities. For instance, theoretical sources have analysed the genesis, causes, and development of childhood social protection

systems, and the fight against child poverty (Brooks-Gunn and Duncan, 1997; Huston et al., 1994; Moffitt, 2015); and forms of social assistance to families (Fuller et al., 2002; Bradshaw et al., 2007; Cousins, 2013). Much attention has been paid to the problems of the impact of social protection reforms for the well-being of families and children (Duncan and Brooks-Gunn, 2000; Waldfogel, 2004); on the assessment of new forms of social protection (Raadschelders, 2008; Sabates-Wheeler and Devereux, 2007); on standards of specific forms of social protection for motherhood, fatherhood and childhood (Acquisti and Gross, 2009); on international standards in this field (Roth, 2004); and on issues of the implementation of parenthood, family responsibilities and employment in the labor market (Mink, 1995; Hook et al., 2016).

RESEARCH METHODOLOGY

This article is based on the algorithm that human dignity has passed through a number of challenges to promote the right to social protection. In order to witness this journey and to understand human dignity globally, it was essential to review various social practices. The authors adopted an explorative research methodology with a historical and geographical approach, to highlight the concept of human dignity around the globe. For instance, the experience of Germany and Greece was reiterated, to highlight how a country's constitution consolidates human dignity as of the highest value and how its national social legislation develops this phenomenon. The constitutions of Switzerland, Italy, and Poland were also examined for similar reasons, which was a reassurance of the principle of respect for human dignity, and human rights and freedom.

The authors adopted a methodological approach to study the human right to live a dignified life in a social state. The study was based on the premise that it is a human right, to live a decent life, and that it is crucial in the formation and further development of the entire system of human rights. If such a system exists in the normative form of social interaction, ensuring the orderliness and effectiveness of the social functioning of society and the state, human rights become universal and human dignity is recognised as intrinsic to social existence.

The authors also performed a historical analysis of the mannerisms, types and degrees of social protection in Kazakhstan, from its participation in the Soviet Union until its construction as an independent state. This analysis reveals that at the time of the fall of the Soviet Union, an attempt was made to formulate an economic approach corresponding to a capitalistic kind of society. Such an ideology was being imposed on the society, whereby it is the responsibility of a person to look after his family and his children, with the state having no role or any social obligations. The authors wish to refute this ideology in this study though it dominates our society.

The authors have also summarised national social legislation, highlighting and revealing its shortcomings in terms of the lack of real guarantees of a living wage for children and families. Based on statistical data on the standard of living and incomes of families with children, household experience, conclusions on the relevance of the immediate change in social policy have been drawn. The international standards of a human right to dignity and its linkages with decent living standards, with the right to social security, have also been focused on in this study. With this research study, it is hoped that we pave the way for other researchers to take the challenge of establishing social protection and human dignity in Kazakhstan. It is also hoped that the study will stimulate the development and promotion of best practices for the establishment of the welfare state.

RESULTS AND DISCUSSION

i. Analysing "Human Dignity" in Different Scientific Researches

The idea of "human dignity" is accorded a prominent status in domestic constitutions and international law on human rights. Still, it lacks a concrete meaning or a consistent definition. Since it symbolises a universal human right, the lack of a precise definition of human dignity has often led judges to correlate human dignity with moral standards. The annihilation of moral values is often equated with a plausible case of violation of human dignity as well. While all nations in 1948 gave support to the notion, as one of the pillars of universal human rights, they left its content open. Hence, there is no monopoly on the definition of the concept of human dignity (Lee, 2008).

Hofmannová (2018) outlined four of the universal fields of application and interpretation of human dignity. The first comprises the prohibition of torture and other cruel, inhuman, and degrading treatment. The second covers issues related to the availability of basic living conditions for a human being, or rather their connection to the right to life. The third area of interpretation of human dignity ranges widely, from the protection of personal freedom to the autonomy of an individual. The fourth group includes the protection of group identity and culture, as well as the prohibition of discrimination.

Another attempt to understand human dignity is seen in the fundamental question: What type of respect does a person demand from others and from the state? The answer to this question has multiple perspectives: first, it is often proposed that human dignity varies between individual and groups. In its most universal and open sense, human dignity focuses on the inherent worth of each individual or the group. Human dignity exists merely as a person's humanity and does not depend on his or her intelligence, morality, or social status. Another perspective is that human dignity is intrinsic and is a presumption of human equality – professing that each person is born with the same quantum of dignity. Under this perspective, inherent human dignity does not establish an external measure for what is counted as

dignified. Rather, such dignity inheres in all individuals without appraisal by any other standard, and focuses on human potential.

Human dignity is also expressed and serves as a ground for enforcing various substantive values. This recognition requires individuals to demonstrate respect and concern for each other. Such dignity requires interpersonal respect, the respect of one's fellow citizens, as can be seen in laws against defamation and hate speech (Rao, 2011).

The proponents of human dignity see it as a useful tool to solve the most important of their practical and theoretical problems in laws related to human rights. On the contrary, there are however skeptics who have argued and raised questions about human dignity allegedly being indeterminate and illiberal in many contexts. According to them, human dignity fails due to its flexibility and lack of consistency in legislation. To refute all such arguments, Khaitan (2011) asserts that the legal ideal of human dignity is best understood as an expressive norm; and when an act disrespects someone's dignity, it depends on the meaning that such action expresses, rather than its consequences or any other attribute of that act.

Amid all these perspectives, in this study human dignity is considered as a proposition that ensures social rights, creates conditions for a prosperous life, and also acts as a constitutional value that determines the course of the social development of states.

ii. Human Dignity as the Universal Value in International Legislation

The starting point for any state in the formation of its social protection norms or human rights should be through International Acts or legislation. Such Acts or legislation are universal as a rule, more progressive than national legislation and serving as reliable guidelines for developing states. For example, the UN Convention on the Rights of the Child (ratified by Kazakhstan in 1994) pays special attention to children with disabilities. In particular, it is proclaimed that member states must recognise the rights of disabled children, which include special care and encouragement. It must be ensured that, subject to the availability of resources, a child who has the right to care and attention, due to disability or otherwise, must get full care and attention through its parents or carers.

The Universal Declaration of Human Rights, Clause 1, Article 25 unites all social and economic rights of an individual in a single system: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or any kind of loss of livelihood in circumstances beyond his control." This fundamental principle is also reiterated in the International Covenant on Economic, Social and Cultural Rights, paragraph 1 of

Article 11 which states: "The State Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." Similarly, other fundamental acts of the UN and the OSCE also represent the international human rights covenants that regard human dignity as the very foundation of all rights (Unser et al., 2018).

The UN Charter is another very strong legal basis for the interaction of states, in the field of human rights. The preamble calls on behalf of the peoples of the United Nations "to regain faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom." The UN has taken this very big step at the universal level, imposing an obligation on states to respect human rights and freedom. This has also led to framing an international legal framework regulating one of the basic principles of modern international law – respect for human rights and fundamental freedom.

In 2012, the International Labour Organisation adopted new social security standards set out in Recommendations No. 202, "Social Protection Floors Recommendation". These recommendations are essential tools for determining the level of social protection in most OECD countries; in Kazakhstan they are relevant parameters to develop a national social security system. A few basic social protection norms have been guaranteed under this system, namely: access to nationally established types of goods and services such as medical services and maternity protection, meeting the criteria for availability, accessibility, acceptability and quality. Besides norms for children, others provide access to food, education, care and any other necessary goods and services. For people of economically active age it includes a basic, guaranteed income not lower than the nationally established minimum level, particularly for those not able to receive sufficient income due to illness, unemployment, pregnancy and childbirth, disability; and for the elderly too. Such minimum levels of social protection should be funded by national resources.

Several other Acts and legislation have included references to human dignity, asserting the centrality of human rights in their conventions. For instance, Rights of Children (1989), the Rights of Migrant Workers (1990), Protection against Forced Disappearance, and the Rights of Disabled Persons (2007) have focused on human dignity. In addition, international instruments dealing harsh punishments like the death penalty have also adopted dignity language in their preambles. The Vienna World Conference on Human Rights in 1993 adopted human dignity as a central organising principle of its deliberations. The Conference not only dignified human rights in general, but also adopted the concept of human dignity in

their provisions, in relation to matters such as the treatment of indigenous peoples, prohibition of torture, prohibition of gender-based violence and harassment, abolition of extreme poverty, and the issue of biomedical ethics.

Human dignity has however even expanded beyond preambles and epilogues of international human rights documents, and texts of articles written on the subject. There are references to several other rights. They include those related to conditions (and treatment during) detention of political prisoners and criminals, such as a right to education; rights during the criminal justice process; rights to be provided minimum conditions of welfare; rights to health; rights of disabled persons to be treated as autonomous individuals; rights of children to be treated with dignity following abuse; rights to reputation; rights of indigenous cultures; and, rights to control access and use of personal data, and the right to biomedical tests, and so on (McCrudden, 2008).

Through this documentation survey and an in-depth study of Acts and legislation, it is revealed that there are provisions for international social security standards of minimum levels enshrined in international acts, treaties, agreements which guarantee every person and their family the right to a standard life, and access to basic necessities to maintain health and well-being for each individual and one's family. These acts and legislation also provide for social assistance in the case of complete or partial loss of livelihood, for reasons beyond individual control, or due to circumstances recognised by the international community. In the context of Kazakhstan, and the current study of human dignity, it is realised that the current Kazakhstani legislation maintains international norms. In Kazakhstan, the person raising a disabled child gets the allowance assigned from the day of application for the entire period of child disability. This allowance is in monetary terms equal to 1.4 times of the living wage. The cost of living in Kazakhstan in 2019 is equal to USD 78, the allowance is USD 109.2, and the minimum wage is USD 111. These facts reveal that by providing adequate material security and support to the parent to raise a disabled child, the Kazakhstan law has ensured full dignity of a disabled child, and has shown concern which contributes to his/her self-confidence and facilitate his/her active participation in society.

This study also took into account the social repercussions for the parent devoting his/ her time to look after the disabled child. It is true that bringing up a disabled child is a hard and challenging labour for the parents who usually have to abandon their employment. Where parents are faced with choices either to work or to raise a disabled child, the decision is not always in favour of the disabled child. The lack of proper living material conditions for parents also deprives a disabled child of the right to live a decent and fulfilling life, or to enjoy all social benefits, and develop universal standards. The authors thus propose that the domestic social security laws of a nation must conform to international standards, and should take into account the trends for progressive and inclusive development. In-depth study of

international legal Acts and Laws have highlighted specific social assistance, which address social risks at international levels and are available to all people who approach the state for assistance. Hence, a country that has ratified these Acts should also accept its legal obligations to guarantee social security to everyone, corresponding to requirements. It can be concluded that social risks foreseen at the international level are in fact directions to state governments to adopt appropriate social security norms. There is a need to practice the urgent need for the concretisation of such social risks and their unified compliance at a minimum international level. This applies primarily to all such risks like disability, motherhood, fatherhood, childhood and the like.

iii. Human Dignity as a Constitutional Value

The formation of a social state in democratic countries takes place under the condition of having a developed civil society and established legal system, and the functioning of a powerful, stable economy that allows for the implementation of long-term social policy in the interests of all sectors of society. The task of a social state is to ensure between its people social justice, equality, and morality in mutual relations. This determines the need for a socially-oriented state policy. Despite opposition to the idea of a welfare state by conservatives, this idea is gaining more recognition, and is being embodied in practice and is also being enshrined in state constitutions. However, in any constitutional law, human dignity is a criterion for the attitude of the state towards an individual and one's legal status. Dignity determines the absolute value of a person as Waldron (2013) stated: "dignity is a status that comprises fundamental human rights rather than being a value that functions as a major premise of rights claims."

The task of recognising the Republic of Kazakhstan as a social state was put forward in initial stages when Kazakhstan started to form itself as a democratic state, with a pledge of providing full-fledged legal and social privileges to its people. But in the beginning there was a limited interpretation of human dignity as a constitutional value in Kazakhstan's law. It was not strong enough to promote human dignity or act as a tool for ensuring socio-economic rights. The constitutional provision for human dignity was very concise. It did not provide any law to get to the bottom of the application of human value. Eventually, in August 1995, the Constitution of Kazakhstan through Article 17 proclaimed that human dignity was inviolable and constitutional sanctions were implied upon any kind of violation of human dignity. The new constitutional amendments guaranteed that:

- No one shall be subjected to torture, violence, and other cruel or degrading treatment or punishment (Paragraph. 2 of Article 17);
- Everyone has the right to privacy, personal and family secrets, protection of his honour and dignity (Paragraph 1 of Article 18);
- Everyone is obliged to respect the dignity of others (Paragraph 1 of Article 34).

However, legal provisions and constitutional amendments cannot establish Kazakhstan as a social state unless there are adequate provisions for the economic development of people and recognition of their rights and freedom to livelihood in accordance with the Constitution. This is possible only when the Kazakhstan adopts a state policy of providing social protection, by assuring the minimum living wage as well as additional forms of social protection. For people to live below the poverty line in a social state, with their incomes below the living wage, is a humiliation of human dignity. Kazakhstan has however taken full cognisance of this. An example can be cited to prove this phenomenon The Constitution guarantees that all citizens who have reached retirement age will be paid a minimum pension. Achieving retirement age is a traditionally recognised criterion of disability established by the law, regardless of their financial situation. In accordance with the constitution, all citizens are covered in the funded pension system. After reaching the retirement age they are entitled to a pension provision not lower than the minimum amount determined by the law in each calendar year. Under this pension system, the state pays a social allowance equal to the living wage. All other material support is also accessible to such pensioners. Thus, any citizen of Kazakhstan reaching the retirement age gets the necessary legal, financial and organisational assistance from the state, equal to and not less than the minimum living wage.

A similar mechanism should apply to children. Childhood is a period of a person's incapacity for work. The age of children, just like old people's retirement age, is traditionally a socially significant legal fact. Unfortunately, the Constitution in Article 28 states only disability, retirement age, and loss of a breadwinner as social risks. A list of other social risks is determined by law from time to time, as in the case of old age pension. A similar legal construction provision is required to provide social security for motherhood and childhood, for families with the responsibility of upbringing. For example, there was a legislative provision giving material support exclusively for children under the age of one year, for large families. However, this special state allowance was suspended in 2018 but allowed previously assigned allowances to continue, where the average family income is lower than the poverty line. Targeted social assistance is also provided to all who fall under the national poverty line, which is 70% of the subsistence level. Nevertheless, the law does not guarantee that such payments must correspond to the minimum living wage, as most of the above-listed payments are below the living wage.

In 2018 a radical change was seen in the approach of providing social support to large families. Previously, there existed only three types of social payments: a special state allowance for large families; a state allowance for families with children; and targeted social assistance for large families. The essence of the targeted social assistance for large families with non-disabled members was provided only if they participated in employment programs, where a large family was defined with four or more co-resident minor children. However, this social, material support for large families was stopped, as they were no longer listed as a



social risk. The allowance was subsequently confined only to mothers awarded with Mother Heroine pendants, awarded with Motherly Glory orders of I and II degrees.

But recently, at the beginning of 2019, under the pressure and social protests from mothers with many children, the format of targeted social assistance was rapidly revised. In the spring of 2019, social support norms to the poor including families with children changed. According to the new norms, social material support will be paid to such families whose average per capita income is below the poverty line. However, the poverty line adopted by the United Nations is less than \$1.90 per day (United Nations, 2017). The parameter of \$54 was the amount allocated for child support in Kazakhstan as per the new laws, was only \$1.80 a day which is even less than the poverty line recognised by the world community. These facts and figures clearly reveal that even new social assistance norms cannot solve the problem of child poverty.

CONCLUSION

Human dignity undoubtedly has played a critical political role in the development of the concept of a welfare state. Despite nations differing on social human rights and ideological priorities, constitutional and legal facts included in this study reveal that human dignity and social human rights have contributed much to formulating universal agreements, Acts, and treaties. The study has revealed the primary content of human dignity which includes: each person has an intrinsic value, which should be respected; some forms of behavior may be incompatible with respect for this intrinsic value; and that the state exists for a person, and not vice versa; and last but not the least, human dignity cannot be guaranteed without a guarantee of minimum material assistance, a promise to satisfy the basic needs of a person.

The construction of a welfare state in Kazakhstan implies an extensive, continuous work, in the formation of social mechanisms aimed at a dignified life for a person. However, it is argued that even after 28 years of development as an independent state, Kazakhstan has not ensured the establishment of social legislation that would fully guarantee the implementation of an individual's social rights under generally recognised standards. That is despite its having taken positive initiatives in this area. To qualify as a social state, the Republic of Kazakhstan should legislatively establish such indicators of decent living conditions or life parameters. These indicators must be determined by the quality of life a person or one's family should live, corresponding to the level of socio-economic development of the country and in accordance with the universal international norms.

The right to live an adequate, dignified standard of living should be recognised by the state and elevated to a constitutional absolute. The most essential component of legal content is a person's right to a dignified life and one's claim to material wealth, or getting material security, safety, and health care. The new social policy of Kazakhstan however aims to



provide parents with opportunities for combining work and fulfilling family responsibilities. Nevertheless, other work life balance rules like giving parental leave, tax incentives to support families, and flexible employment for parents should also be introduced.

This study concludes that it is necessary to secure a guarantee for the implementation of two interrelated areas, and for bringing them into the purview of individual legislative and constitutional social rights. First, the imperative of a normative guarantee of the right to social material security must be consolidated, one that is not less than the living wage of families raising children and not to be confined only to one child. The second area needing to be guaranteed is that of granting educational opportunities to every child in the family. Childhood should be considered as socially and legally significant to the entire nation. Hence, there is a need for the creation of material state support to all families with children.

Moreover, there should also be reforms in the social protection system aiming at systematising norms, methods and activities of social support, for the entire population, by improving the state level information and administrative systems of social protection. There are also significant risks to the national social security system, by the informal employment sector which faces a high level of migration, often resulting in a decrease in the participation of population, particularly by women, in labor relations due to their social and family needs. Hence social services for women, children and other vulnerable groups which are under-resourced and underdeveloped, must be consolidated through legal and administrative reforms. Social or human dignity therefore needs a fulcrum, a scaffolding support, to raise the level of the life of people in a social or human welfare state.

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REFERENCES

- Acquisti, A., & Gross, R. (2009). Predicting social security numbers from public data. *Proceedings of the National academy of sciences*, 106(27), 10975-10980.
- Barak, A. (2013). *Human Dignity: The Constitutional Value and the Constitutional Right. In Understanding Human Dignity*. Cambridge: Cambridge University Press. doi: 10.1017/CBO9781316106327
- Bradshaw, J., Hoelscher, P., & Richardson, D. (2007). An Index of Child Well-Being in the European Union. *Social Indicators Research*, 80(1), 133-177.
- Brooks-Gunn, J., & Duncan, G. J. (1997). The Effects of Poverty on Children. *Future of Children*, 7(2), 55-71.
- Cousins, L.H. (2013). Deservingness, children in poverty, and collective well being. *Children and Youth Services Review*, 35(8), 1252-1259.
- Duncan, G.J., & Brooks-Gunn, J. (2000). Family poverty, welfare reform, and child development. *Child Development*, 71(1), 188-196.
- Fuller, B., Kagan, S.L., Caspary, G.L., & Gauthier, C.A. (2002). Welfare reform and child care options for low-income families. *The Future of Children*, 12(1), 96-119.
- Grant, E. (2012). Human dignity and socio-economic rights. *Liverpool Law Review*, 33(3), 235-261. doi: 10.1007/s10991-012-9122-8
- Hofmannová, H. (2018). Comments on the approach to human dignity in case law. *The Lawyer Quarterly*, 8(3), 284-294.
- Hook, J.L., Romich, J.L., Lee, J.S., Marcenko, M.O., & Kang, J.Y. (2016). Trajectories of economic disconnection among families in the child welfare system. *Social Problems*, 63(2), 161-179.
- Huston, A.C., McLoyd, V.C., & Coll, C.G. (1994). Children and poverty: Issues in contemporary research. *Child Development*, 65(2), 275-282.
- Khaitan, T. (2011). Dignity as an expressive norm: Neither vacuous nor a panacea. *Oxford Journal of Legal Studies*, 32(1), 1-19. DOI: 10.1093/ojls/gqr024
- Khamzina, Z.A., Buribayev, Y.A., Oryntayev, Z.K., & Kuttygalieva, A. (2015). Problems of Overcoming Poverty in the Republic of Kazakhstan. *Mediterranean Journal of Social Sciences*, 6(3), 169.
- Lee, M. (2008). Universal Human Dignity: Some Reflections in the Asian Context. *Asian Journal of Comparative Law*, 3, 1-33. doi:10.1017/S2194607800000211
- Manomano, T., & Mundau, M. (2017). Preserving human dignity: Promises and pitfalls – a South African perspective. *International Social Work*, 60(6), 1358-1369. doi: 10.1177/0020872817712567



- Mattson, D.J., & Clark, S.G. (2011). Human dignity in concept and practice. *Policy Sciences*, 44(4), 303-319. doi: 10.1007/s11077-010-9124-0
- McCrudden, C. (2008). Human dignity and judicial interpretation of human rights. *European Journal of International Law*, 19(4), 655-724. <https://doi.org/10.1093/ejil/chn043>
- Mink, G. (1995). Wage work, family work, and welfare politics. *Feminist Economics*, 1(2), 95-98.
- Moffitt, R.A. (2015). The deserving poor, the family, and the US welfare system. *Demography*, 52(3), 729-749.
- Mukhamadiyeva, G.N., Mukaldyeva, G., Karasheva, Z.T., Khamzin, A.S., Buribayev, Y.A., & Khamzina, Z.A. (2017). sModernisation of social security system legal regulation in Kazakhstan: Experience and standards of the OECD members implementation. *Journal of Advanced Research in Law and Economics*, 8(8), 2498-2503.
- Omarova, A.B., Taitorina, B.A., Yermekov, A.T., Doszhanov, B., Buribayev, Y.A., & Khamzina, Z.A. (2017). Application of International rules ensuring social rights of families and children in Kazakhstan. *Journal of Advanced Research in Law and Economics*, 8(1), 153.
- Raadschelders, J.C. (2008). Understanding government: Four intellectual traditions in the study of public administration. *Public Administration*, 86(4), 925-949.
- Rao, N. (2011). Three Concepts of Dignity in Constitutional Law. *Notre Dame Law Review*, 86(1), 183.
- Roth, K. (2004). Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization. *Human Rights Quarterly*, 26, 63-73.
- Sabates-Wheeler, R., & Devereux, S. (2007). Transformative social protection: the currency of social justice. In Gabriele Koehler (Ed.), *Social Protection for the Poor and Poorest* (pp. 64-84). London: Palgrave Macmillan.
- Steinmann, A.R. (2016). The Core Meaning of Human Dignity. *Potchefstroom Electronic Law Journal*, 19, 1-32. doi: <https://doi.org/10.17159/1727-3781/2016/v19i0a1244>
- United Nations. (2017). *Manual on the Measurement of Poverty*. New York and Geneva. Retrieved from https://www.uncece.org/fileadmin/DAM/stats/publications/2018/ECECESSTAT20174_ru.pdf
- Unser, A., Döhnert, S., & Ziebertz, H.G. (2018). Attitudes Towards Refugee Rights in Thirteen Countries. A Multi-level Analysis of the Impact and Interaction of Individual and Socio-cultural Predictors. *Political and Judicial Rights through the Prism of Religious Belief*, 3, 275. doi: 10.1080/13617672.2016.1188500
- Waldfoegel, J. (2004). Welfare reform and the child welfare system. *Children and Youth Services Review*, 26(10), 919-939.



Waldron, J. (January, 2013). Is dignity the foundation of human rights? *NYU School of Law, Public Law Research Paper*, 12-73. Retrieved from <https://www.peacepalacelibrary.nl/ebooks/files/36335655X.pdf>