

IMPLEMENTATION OF INTERNATIONAL STANDARDS IN THE SPHERE OF HIGHER EDUCATION TO NATIONAL LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN



A. ALIBEKOVA,
Master of Education,
KAZGUU University,
English Language Department,
Astana, Kazakhstan

The article considers the international standards adopted by United Nation Organization in the sphere of higher education. During the analysis of the international instruments the authors have made the conclusion that higher education is considered as the right of everyone to higher education from the aspect of its availability and accessibility. Besides, the right to education refers the development of human personality and dignity and involves theoretical and practical directivity. The authors have come to the conclusion that national legislation of the Republic of Kazakhstan conforms to international standards in the sphere of higher education but there are some contradictions within the national acts themselves.

Key words: international law, right to higher education, higher education, availability, international standard, United Nations Organization, international treaty, implementation, legislation, the Republic of Kazakhstan.

Introduction

Since the end of the 1940s of the last century, education is perceived as a part of external policy. Education is referred to as priority-oriented sphere of foreign policy of each nation and it is a guarantee of transfer of culture, traditions, religion and language from generation to generation and keeping national identity as a consequence. This has determined the necessity of international legal regulation of this interrelation.

Higher education sphere was included in international instrument for the first time with the adoption of Universal Declaration of Human Rights, whereby, international community was proposed standards which became a sample for the development of national legislation in the sphere of human rights.

Standards in the sphere of education, established in Universal Declaration of Human Rights involved only minimal standards which governments should implement to their legal systems. In this connection, the following standards were included as separate provisions to main international human rights instruments.



A. RAKISHEVA,
Master of Law Sciences,
KAZGUU University,
English Language Department,
Astana, Kazakhstan

With the adoption of sovereignty of the Republic Kazakhstan, the young state had many top-priority tasks. Building of legal base of the state was one of them. International standards adopted under auspices of the United Nations Organization played an important role in the formation of national legislation in the sphere of higher education.

Literature review

The problem of right to education was the subject of research of many scientists. The magnum opus of K.D. Beiter was dedicated to protection of human rights to education in international law and involves systematic analysis of Article 13 International Covenant on Economic, Social and Cultural Rights 1966.¹

Observance of rights to education in the sphere of human rights is revealed in the work of G. Alfredsson.² The activity of international intergovernmental organizations in the sphere of higher education including in the sphere known as “lifelong learning” was considered in the works of K. Mundi, M. Madden,³ J. Salmi, A. M. Verspoor,⁴ U. Giere.⁵

Such scientists like Ph.G. Altbach,⁶ M. Trow,⁷ A. Colding, V.L. Meek,⁸ J.E. Stiglitz⁹ studied different aspects of problems of the development of higher education sphere in the age of globalization, progress analysis of higher education particularly, (change from elite higher education to mass and universal access), the role of higher education in the formation of a knowledge-based society model and problems of the quality in the sphere of higher education.

In the former Soviet Union, V.M. Syiryih¹⁰ introduced a significant scientific contribution to the development of theretico-methodological bases of study of educational legal relationships and educational right as the integral systematic notion.

¹Beiter, K. The protection of the right to education by international law including a systematic analysis of Article 13 of the International Covenant on Economic, Social, and Cultural Rights. Leiden: Martinus Nijhoff. 2006.

²Alfredsson G. The Right to Human Rights Education // Economic, Social and Cultural Rights. A Textbook / A. Eide, C. Krause, A. Rosas (ed). Dordrecht, 2001; Delbrück J. The Right to Education as an International Human Right. 1992.

³Mundi K., Madden M. UNESCO and Higher Education: Opportunity or Impasse? // International Organizations and Higher Education Policy. Thinking Globally, Acting Locally? / Ed. by Roberta Malee Basset and Alma Maldonado-Maldonado. New York. 2009.

⁴Salmi J., Verspoor A.M. Revitalizing higher education. Oxford: Pergamon. 1994.

⁵Giere U. Lifelong learners in the literature: adventurers, artists, dreamers, old wise men, technologists, unemployed, little witches and yuppies // International Review of Education. Vol. 40. № 3-5. 1994.

⁶Altbach Ph. G. Globalization and Forces for Change in Higher Education // International Higher Education. Vol. 50. 2008.

⁷Trow M. Comparative Perspectives on Universal Access // Access to Higher Education / Fulton O. (ed.). Guildford: SRHE – 121. 1979, p. 89.

⁸Colding A., Meek V.L. Twelve Propositions on Diversity in Higher Education // Higher Education Management and Policy. Vol. 18 (3). 2006.

⁹Stiglitz J.E. Knowledge as a Global Public Good // Global Public Goods. International cooperation in the 21st century / Kaul I., Grumberg I., Stern M.A. (eds.). New York: Oxford University Press. 1999.

¹⁰Syiryih V.M. Vvedenie v teoriyu obrazovatel'nogo prava, M.: Gotika. 2002.

Issues of intergovernmental cooperation in the sphere of education were studied by I.V. Demyanenko,¹¹ A.V. Kondratyuk.¹² The constitutional right to free higher education was the subject of the research of such scientists like S.V. Demanova,¹³ S.L. Seregina,¹⁴ E.S. Chugunova.¹⁵

This research is dedicated to the legal nature of the international standards provided by the United Nations and shows how the right to education is regulated in the legislation of the Republic of Kazakhstan.

Article 26 (1) of Universal Declaration of Human Rights determines the right of each person to education. Herewith it is noted that “everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit”.¹⁶

Hereby, the article includes several elements of relatively higher education. Firstly, it specifies the right of each person for education, including higher education. Secondly, education should be free, at least primary and general education that is the provision does not exclude free higher education. The obligation to supply free education to children implicates that each state must establish a free public education system. Free education is based on the concept that every person has “an irrevocable entitlement to a period of education at public expense”.¹⁷ Thirdly, higher education should be equally available for everybody on the basis of merit. Thereby, higher education refers to all forms of higher education.

Notwithstanding the fact that Universal Declaration of Human Rights is not a legally binding instrument, the Republic of Kazakhstan, having entered the UNO as its member in 1992 and having automatically adopted Universal Declaration of Human Rights has had political commitment on adherence of standards of the specified document. As a result, many provisions of the current Constitution of the Republic of Kazakhstan, which was adopted on 30 August 1995, includes the standards provided by the Declaration.

The right to higher education is provided by article 30 of the Constitution of the Republic of Kazakhstan. In accordance with the mentioned article a citizen has the right to have free higher education on a competitive basis in state higher institutions.¹⁸ The

¹¹Demyanenko I.V. (1990). Pravo na obrazovanie: Mezhdunarodnyie standartyi i sovetskoe zakonodatelstvo // Pravovedenie. № 6. 2002. S. 99-100.

¹²Kondratyuk A. V. Mezhdunarodno-pravovoe regulirovanie sotrudnichestva gosudarstv v sfere obrazovaniya kand. yur. nauk.Sankt-Peterburg. 2007, S. 195.

¹³Demanova S. M., Konstitutsionnoe pravo na poluchenie besplatnogo vyisshego obrazovaniya v Rossiyskoy Federatsii: avtoref. dis. kand. yurid. nauk. Saratov, 2012.

¹⁴Seregina S. L. Konstitutsionnoe pravo na vyisshee obrazovanie v Rossiyskoy Federatsii: avtoref. dis. kand. yurid. nauk. Saratov, 2006.

¹⁵Chugunova E. S. Konstitutsionnoe pravo na vyisshee obrazovanie v Rossiyskoy Federatsii v usloviyah globalizatsii: avtoref. dis.kand. yurid. nauk. Moskva. 2010.

¹⁶Universal Declaration of Human Rights. [Online] Available: <http://www.un.org/en/universal-declaration-human-rights/> 1948 (25.01.2018).

¹⁷Hodgson, D. Education, Right to, International Protection. In Max Planck Encyclopedia of Public International Law. 2006.

¹⁸Constitution of the Republic of Kazakhstan URL: http://adilet.zan.kz/eng/docs/K950001000_info (25.01.2018).

constitution guarantees the right of each person to higher education. Higher education is equally assessable for everyone on a competitive basis that is on the basis of capacity.

Standards of Universal Declaration of Human Rights concerning higher education have been transformed to Law on Education of the Republic of Kazakhstan. According to the Law the government provides the citizens of the Republic of Kazakhstan with free higher education and postgraduate education on a competitive basis. Meanwhile, the Law elaborates that education of every level is free, only in the case if a citizen enters the university for the first time, excluding educational institutions of special governmental agencies and educational law enforcement agencies. Moreover, free higher education is provided only in accordance with state educational order.¹⁹ However, it is necessary to note, that according to Universal Declaration of Human Rights higher education is referred to all forms of higher education in compliance with legislation of the Republic of Kazakhstan, where higher education is both higher education and postgraduate education.

On the whole, international standards in the sphere of higher education provided by Universal Declaration of Human Rights were implemented to national legislation of the Republic of Kazakhstan. Constitution of the Republic of Kazakhstan and Law on Education of the Republic of Kazakhstan provide the right of every person to higher education. Higher education can be free. Higher education is equally accessible for everyone on the on the basis of capacity of every person.

The article 26 (2) of the Universal Declaration of Human Rights has found its reflection in the article 13 of International covenant on economic, social and cultural rights. In accordance with the article 13(1) of the Covenant “The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace”.²⁰

The provisions of the article 26 (2) of the Universal Declaration of Human Rights and 13 (1) of the International Covenant on Economic, Social and Cultural Rights have found their reflection in the Law on Education of the Republic of Kazakhstan. The act determines the major principles of state policy in the sphere of education, secular, humanistic and a developing character of education, priority of civil and national values of life and health of a person, free development of a person, respect of rights and freedom of a person, stimulation of the education of an individual and development of talents, unity of education, upbringing and development.²¹

The Law on Education provides that the content of educational programs shall be adapted to life in a society. Sample programs of some specialties such as medical, military

¹⁹Law of the Republic of Kazakhstan on education URL: http://adilet.zan.kz/eng/docs/Z070000319_/info. (25.01.2018).

²⁰United Nations. International Covenant on Economic, Social and Cultural Rights, 14531 Treaty. Series 993, New York. 1983.

²¹Law of the Republic of Kazakhstan on education URL: http://adilet.zan.kz/eng/docs/Z070000319_/info. (25.01.2018).

and of water transport shall be validated by head of a certain governmental body on agreement with authorized agency in the sphere of education. Educational programs of specialists' training shall include professional practice which is carried out in appropriate organizations and is oriented to revision of knowledge which was acquired in the process of study and is directed to gain some practical skills and experience.

So the Law on Education provides professional practice as the realization of practical directional effect. However, according to National compulsory standard of higher education not less than 6 credits are assigned to professional practice. It is noted that professional practice which contains 6 to 20 credits are assigned to "Education" specialty and from 6- 15 credits to specialties of "Technical sciences and technologies". Other specialties can be limited to 6 credits. State Education standard provides 129 credits for theoretical education. This fact shows lack of attention of legislator to practical part of the education.

In this case, it is appropriate here to mention the point of view of M.S. Narikbayev and S.F. Udarzev who believe that in order to realize practical direction it would be useful to increase standards of total volume of hours for practical training and turning it to annual. Moreover, we agree with the point of view of scientists, that the whole process of education should be built on interactive methods and techniques, modeling practical and problem situations, implementing practical education together with traditional methods.²² Objectively, practical direction is the combination of a theory and practice during educational process. This connection implies existence of practical training, which normally takes place at the last course of studies, and it implies implementation of studies based on the ability of future specialists to set and solve different problems of life and professional level. These standards should be included in the requirements to the content of higher education together with practical training and professional practice.

According to the clause 2 (c) of the article 13 of the Covenant, nations admit that "Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means ...".²³ It is necessary to note, that admission to education includes two aspects like availability and accessibility. The first meaning availability is referred to the responsibility of the government to provide people with educational institutions, teaching staff and teaching materials. On the other hand, "general availability" means free access of every person to educational institutions, teaching staff and teaching materials.

In another meaning accessibility of education is referred to the responsibility of the government to provide an individual with a chance to get the access to this or that higher institution. Herewith, general accessibility means avoidance of all obstacles when entering any higher institution, and as a result, higher education becomes available for everyone. Higher education on a fee paid basis can be such an obstacle. Consequently, availability of higher education in this meaning implies taking appropriate measures by the government for providing free higher education and a satisfactory system of scholarships.

²²Narikbaev M. S., Udarzev S.F. Vyisshee yuridicheskoe obrazovanie v Kazahstane v XXI v.: reformyi, problemy i perspektivy. Sbornik statey / Sostavitel S.F. Udarzev / Kazahskiy Gumanitarno-Yuridicheskiy Universitet. NII pravovoy politiki i konstitutsionnogo zakonodatelstva. Astana: Foliant, 2014. – 336 s.

²³United Nations, 1983. International Covenant on Economic, Social and Cultural Rights, 14531 Treaty Series 993, New York.

Therefore, according to D.Y. Yagoforov, when in the middle and in the end of 1990s some post-soviet countries stopped paying scholarships to students of universities, it meant not only the regress of educational relationships, but the violation of essential standards of international law by governments represented by executive branch.²⁴

Taking into account the fact that state-parties are not required to have compulsory higher education, this education is not generally available. An individual gets the access to higher education on the basis of his/her capacity. In other respect, the access to higher education should be free.

Some provisions of the Law on Education serve as a confirmation of availability of higher education, in other words, the responsibility of the government to provide people with educational institutions, teaching staff and teaching materials.

In accordance with the Law on Education of the Republic of Kazakhstan, the creation, reorganization and liquidation of governmental educational organizations which are subsidized by means of budgetary funds is entrusted to the government of the republic, unless otherwise stipulated by laws of the Republic of Kazakhstan. Creation and development of material and technical base of state higher education institutions is carried out at budgetary funds expense, revenues from services showed by universities on a fee paid basis and from other sources not prohibited by legislation of the Republic of Kazakhstan.

According to the article 5 of the mentioned Law, the authorized agency of educational system provides republican organizations with educational books and teaching materials, develops and approves rules of work organization on preparation, expertise, approbation and monitoring realization, publishing of educational books, teaching materials and guidance manuals and organizes this work; forms and approves the list of educational books and teaching materials, guidance manuals and other additional literature, which includes electronic media, organizes retraining and professional development of teaching staff²⁵.

The article 13 should be considered together with the article 2(1) of International covenant on economic, social and cultural rights. In accordance with the article 2(1) states parties should make certain steps and allocate finance, technical and other resources, available at national level or acquired from international sources aiming to realize rights to higher education. Herewith, as a rule, states by themselves determine the mechanism of providing the incurred obligations.

This provision has found its reflection in national legislation of the Republic of Kazakhstan. The article 62 of the Law on Education involves budget funding for education consistent with its priority. The state realizes funding on the basis of governmental educational order for preparation, professional development and retraining of qualified specialists, which involves training direction of specialists and the volume of national educational order on different forms of education, and the creation and development of material and technical base of state higher education institutions.

²⁴Yagofarov D.Ya. Normativno-pravovoe obespechenie obrazovaniya. Pravovoe regulirovanie sistemy obrazovaniya. M: Izdatelstvo VLADOS-PRESS, 2008. – 399 s.

²⁵Law of the Republic of Kazakhstan on education URL: http://adilet.zan.kz/eng/docs/Z070000319_info (25.01.2018).

Moreover, the Law warrants higher scholarships for invalids, orphaned children and children left without custody of parents, children in custody, bachelor students and master students whose academic progress is high. The state fully or partially recompense expenses to support citizens of the Republic of Kazakhstan, who need social help, in the period of studies. Orphaned children, disabled people, children from large families, children from families are those who have the right to get social help and other. In the state functions a presidential program “Bolashak” for citizens of the country to have a possibility to study in leading foreign universities or take internships in foreign organizations.

The basis of governmental policy on funding and support of higher education is in the following: principles of effectiveness and productivity, priority, transparency, responsibility and differentiation and independence of budgets of all levels. In order to realize all these principles the State Education Program of the Republic of Kazakhstan was adopted in 2010 for the period of 2011-2020. One of the aims of this program is development of new mechanisms of education funding, which are directed to quality increase and availability of education.²⁶ To enhance the efficiency of budget expenses and accessibility of education of high quality, the program is directed to realization of funding in all educational institutions per capita. Moreover, in order to achieve enhancement of accessibility of educational services on a fee paid basis, the State Educational Stocking System is being introduced; it gives an opportunity to store money to pay for education of a child in the future. The program has provided increase of institutions’ interest to 10 % since 2014, laboratory facilities should be renewed, 4 new structural subdivisions should be established, and libraries of universities should be enlarged in order to improve material and technical base of state higher education institutions.

Protection of right to education has found its reflection in the International Covenant on Civil and Political rights. It is important to note the articles 18(4), 19(1) and the article 27 of the mentioned instrument. The article 27 regards to rights of people, belonging to ethnic, religious or language minorities. These groups have the right to adhere to their culture, worship their religion and follow its customs, and speak native language.²⁷

The Constitution of the Republic of Kazakhstan guarantees every person the right “to speak native language and adhere to culture, to a free choice of the language of communication, upbringing, studies and creative activities”. Freedom of speech and creative activity are guaranteed. “Every person has the right to get and distribute information by means not prohibited by law.”²⁸

The Law on Education of the Republic of Kazakhstan concretizes that the right to education in native language is provided by means of establishing relevant educational institutions, classes, groups, and conditions for their functioning. The priority direction is the establishment of relevant educational institutions, groups with state language tuition.²⁹

²⁶State Education program of the Republic of Kazakhstan URL: <http://adilet.zan.kz/rus/docs/U1000001118>. (25.01.2018).

²⁷International Covenant on Civil and Political Rights // United Nations, Treaty Series, vol. 999, p. 171.

²⁸Constitution of the Republic of Kazakhstan, 1995. URL: http://adilet.zan.kz/eng/docs/K950001000_/info. (25.01.2018).

²⁹Law of the Republic of Kazakhstan on education URL: http://adilet.zan.kz/eng/docs/Z070000319_/info. (25.01.2018).

In accordance with the Law on Languages in the Republic of Kazakhstan, taking diploma of higher education and of postgraduate programs is carried out in state, Russian and if necessary in other languages.³⁰

UNO instruments, adopted within the frame of protection against discrimination played an important role in the formation of the right to higher education. Aiming to solve the problem of discrimination on grounds of religion, United Nations General Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. According to the article 5(3) of the Declaration “The child shall be protected from any form of discrimination on the ground of religion or belief”.³¹ Thus, nobody can prohibit the right to have higher education because of his/her belonging to any faith.

United Nations General Assembly tried to solve the problem of racial discrimination by proclaiming the Declaration, and afterwards by proclaiming International Convention on the Elimination of All Forms of Racial Discrimination. As outlined in the article 5 of the Convention “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin”, particularly in respect of right to higher education and professional training.³²

In accordance with the Convention on the Elimination of All Forms of Discrimination against women, women shall have equal access to education as men. The quality of standards, regarding education, shall be equal both for women and for men. It specifically refers to educational programs, examinations, teaching staff, classrooms and equipment.

In accordance with the Constitution of the Republic of Kazakhstan “No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances”.³³ In 1998 the Republic of Kazakhstan joined to International Convention on the Elimination of All Forms of Racial Discrimination, to Convention on the Elimination of All Forms of Discrimination against women.

As a result, the Law on Education declares that one of major principles of policy in the sphere of education is equality of rights and qualitative education. Propaganda of racial, ethnic, religious, social irreconcilability and distinction, distribution of military or other ideas, contradictory to generally recognized principles of international law and humanism is prohibited in educational institutions.³⁴

³⁰Law of the Republic of Kazakhstan on languages URL: http://adilet.zan.kz/rus/docs/Z970000151_/history. (25.01.2018).

³¹Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) [Online] Available: URL: <http://www.un.org/documents/ga/res/36/a36r055.htm>. (25.01.2018).

³²International Convention on the Elimination of All Forms of Racial Discrimination // United Nations, Treaty Series, vol. 660, p. 195.

³³Constitution of the Republic of Kazakhstan, [Online] Available: URL: http://adilet.zan.kz/eng/docs/K950001000_/info (25.01.2018).

³⁴Law of the Republic of Kazakhstan on education, (July 27, 2007) [Online] Available: URL: http://adilet.zan.kz/eng/docs/Z070000319_/info. Accessed 25 January 2018.

The Law of Republic of Kazakhstan on State Guarantees of Equal Rights and Equal Opportunities of Men and Women ensures gender education in accordance with realized state policy on providing equal rights and equal possibilities of men and women.³⁵

Administrative Offences Code of the Republic of Kazakhstan provides administrative responsibility for offences of legislation of the Republic of Kazakhstan in the sphere of education. The article 409 of the Code brings to administrative responsibility for non-fulfillment or improper performance of duties and norms of pedagogical ethics by teaching employee, non-fulfillment or improper performance of duties as required by the law by parents or other legal representatives; non-fulfillment or improper performance of duties by headmaster or other official body of the educational institution, which resulted in bodily injury of students, violation of typical rules by educational institutions; incompatibility of provided services to state compulsory educational standard.³⁶ However, this standard does not provide responsibility for discrimination in the sphere of education, which shows its absence in the legislation of Republic of Kazakhstan.

The Convention on the Rights of persons with disabilities was adopted in 2006 and ratified by the Republic of Kazakhstan on April 21, 2015. Article 24 of the Convention enacts the access of persons with disabilities to higher education to vocational training on an equal basis with all without any discrimination. To implement this provision contracting state shall provide invalids with reasonable accommodation. Moreover, the member-states should take the necessary measures to involve teachers, including teachers with disabilities, as well as staff training for working with invalids. This training includes alternative ways of communicating, methods and methods of teaching to support people with disabilities.³⁷

The norms provided in the national legislation of the Republic of Kazakhstan guarantee the protection of the rights of invalids to higher education. Invalids are entitled to additional benefits in admission to higher education, such as grants and a quota for admission to a higher education institution.

At the same time, the legal base of the RK does not fix the exact amount of these grants which leads to a limited number of invalids studying at universities in Kazakhstan. Moreover, in order to realize the protection of the rights of invalids to higher education it is necessary to train teachers and staff with various communication formats and teaching methods. Therefore universities need to create centers which support invalids.

Hence, the provisions related to the protection of the rights of invalids to higher education, as well as the support of invalids during the process of their education require detailed regulation in the legislation of the Republic of Kazakhstan. These norms can be fixed as separate provisions of the legal acts as well as a separate law which will regulate the rights of invalids to education.

³⁵Law of the Republic of Kazakhstan on State Guarantees of Equal Rights and Equal Opportunities of Men and Women URL: [http://adilet.zan.kz/eng/docs/Z090000223_\(25.01.2018\)](http://adilet.zan.kz/eng/docs/Z090000223_(25.01.2018)).

³⁶Administrative Offences Code of the Republic of Kazakhstan URL: [http://adilet.zan.kz/eng/docs/K010000155_\(25.01.2018\)](http://adilet.zan.kz/eng/docs/K010000155_(25.01.2018)).

³⁷Convention on the Rights of Persons with Disabilities // United Nations, Treaty Series, vol. 2515, p. 3.

Analysis results

Higher education sphere found its reflection in a range of universal international instruments, dedicated to human rights protection. Standards in the sphere of higher education were provided as separate provisions of these international instruments. Consolidation of the right to higher education of each person is characteristic to these standards. The analysis of these standards carries inference that this right includes several aspects.

Firstly, it is availability and accessibility of higher education. The government shall take all necessary measures to provide people with equal possibilities without discrimination for everybody in the sphere of higher education. Availability means free access of every person to educational institutions, teaching staff, the right to search and get information freely by different means of expression. A person has the access to higher education on a basis of capacity. Accessibility of free higher education means the possibility to have a satisfactory system of scholarships and that the government should take measures to provide free higher education.

Secondly, the right to higher education means education directed to absolute development of a person, respectfulness to human rights and major freedom with application of methods which reflect dignity of a person involving theoretical and practical direction.

The Republic of Kazakhstan has implemented the standards provided by international instruments to the national legislation. These standards have been included in the Constitution, Law on Education, Law on Rights of a Child, Administrative Offence Code, State Education Program and other acts of the Republic of Kazakhstan. On the whole, legal acts of the Republic of Kazakhstan conform to international standards in the sphere of higher education although some aspects are needed to be improved.

А.З. Алибекова, А.Ш. Ракишева: Қазақстан Республикасының ұлттық заңнамасына жоғары білім саласындағы халықаралық стандарттарды имплементациялау.

Осы зерттеу шеңберінде авторлар тарапынан БҰҰ аясында қабылданған жоғары білім саласындағы халықаралық стандарттарды зерттеу әрекеті жасалды. Берілген мәселе бойынша БҰҰ халықаралық актілерді талдау жасағанда осы мақала «жоғары білім алу құқығы» және «жоғары білім» ұғымдарының құқықтық мәнін анықтайды. Мақаланың авторлары жоғары білім саласындағы Қазақстан Республикасының нормативтік құқықтық негізінің халықаралық стандарттарға сәйкестігін қарастырады.

Түйінді сөздер: халықаралық құқық, жоғары білім алу құқығы, жоғары білім, қол жетімділік, халықаралық стандарт, Біріккен Ұлттар Ұйымы, халықаралық шарт, имплементация, заңнама, Қазақстан Республикасы.

А.З. Алибекова, А.Ш. Ракишева: Имплементация международных стандартов в сфере высшего образования в национальное законодательство Республики Казахстан.

В рамках данной статьи авторами сделана попытка исследования международных стандартов в сфере высшего образования, принятых под эгидой ООН. Анализируя международные акты ООН по данной проблеме, авторы определяют правовую при-

роду понятия «высшее образование» и «право на высшее образование». Авторы исследуют нормативную правовую базу Республики Казахстан в сфере высшего образования на предмет ее соответствия международным стандартам.

Ключевые слова: международное право, право на высшее образование, высшее образование, доступность, международный стандарт, Организация Объединенных Наций, международный договор, имплементация, законодательство, Республика Казахстан.

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НОВЫЕ КНИГИ

Роль и место международного права в решении современных глобальных проблем: Материалы Международной научно-практической конференции, посвященной 70-летию доктора юридических наук, профессора Сарсембаева М.А. (Астана, 22-23 декабря 2017 г.) / Ответ. редактор д.ю.н., профессор Тлепина Ш.В. Астана: ЕНУ им. Л.И. Гумилева, 2017. – 485 с.

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23 декабря 2017 года Кафедра международного права Юридического факультета Евразийского национального университета им. Л.Н. Гумилева (ЕНУ) провела международную научно-практическую конференцию на тему «Роль и место международного права в решении современных глобальных проблем», приуроченную к празднованию юбилея Сарсембаева М.А.

В работе конференции приняли участие зарубежные (России, Литвы, Узбекистана, др.) и ведущие казахстанские ученые, представители вузов, государственных органов, министерств, студенты, магистранты, докторанты PhD.

Итогом стал Сборник материалов международной научно-практической конференции, рекомендованный исследователям и специалистам в области Международного права, студентам, магистрантам, докторантам PhD, а также всем интересующимся вопросами международного и национального права.

Статьи и библиографии к ним представлены в авторской редакции.

Рецензенты: Абайдельдинов Е.М., д.ю.н., профессор; Кулжабаева Ж.О. к.ю.н., профессор.