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### **FIGHTING WITH DISCRIMINATION AGAINST LOW-INCOME (PEOPLE IN EXTREME POVERTY) AS PROTECTION THEIR FUNDAMENTAL RIGHTS AND FREEDOMS**

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Discrimination is an element of the daily reality of people living in poverty. It limits access to living, social services, education and work. As a result of the application of the discriminatory submission of representatives of authorities, employers or owners of leased housing, as well as for the fear or improper treatment, certain social benefits or programs do not reach people living in poverty. This prevents people who suffer from poverty, to be arranged to work or refer to certain benefits, and therefore discrimination is one of the main sources of unreconditional rights. Discrimination can also lead to the fact that people living in poverty reduce their expectations for what they themselves or their children can achieve, and this leads to a decrease in investment in education. This is partly explained why people living in poverty are disproportionately often in the spotlight of the criminal justice system: judges can experience them prejudice or make sentences under the influence of stereotypnid biased attitude towards the poor.

In the World Bank's biennial report, Poverty and Shared Prosperity, Joint solution to the problems of poverty eradication» is a concept of dividing extreme poverty and poverty according to their income. living on less than \$3.20 a day reflects the poverty line in lower-middle-income countries, while the \$5.50-a-day figure reflects standards in upper-middle-income countries.

According to the World Bank remains committed to achieving the goal of ending extreme poverty, defined as living on less than \$1.90 a day, by 2030. The share of the world's population

living in extreme poverty fell to 10 percent by 2015, but the rate of reduction in extreme poverty has slowed, the World Bank warned in September.[1]

The UN's final report on the Millennium Development Goals (MDGs) examines the state of global poverty in 2015. In report remains globally, the number of people living in extreme poverty has fallen by more than half, falling from 1.9 billion in 1990 to 836 million in 2015. But nowadays, according to the most recent estimates, in 2023 almost 700 million people around the world were subsisting on less than \$2.15.[2]

The share of the world's workers living in extreme poverty fell by half over the last decade: from 14.3 per cent in 2010 to 7.1 per cent in 2019. However, in 2020 it rose for the first time in two decades after the COVID-19 pandemic.

International human rights law recognizes that each and every human rights belongs to all persons without discrimination of any kind. Not surprisingly if the links between poverty and human rights has been recognized by several organizations since the 19s. It was even overlooked by one of the earliest international organizations, the League of Nations. Part XIII of the Treaty of Versailles (1919), the basis to establish this organization, containing the constitution of the International Labour Organization, which stated "universal and lasting peace can be established only if it is based upon social justice". Much later, after the Second World War, on 10 May 1944, Philadelphia Declaration also reaffirmed this orientation of ILO by stating that "poverty anywhere constitutes a danger to prosperity everywhere". [3]

Moreover, on 10 December 1948, in its preamble, the Universal Declaration of Human Rights (UDHR) declared that 'the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people'. This idea was repeated with similar terms in the preambles of the two international human rights covenants adopted in 1966; the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Both of them declared that the ideal situation, a freedom from poverty, can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights. Further legal document that pay attention on the poverty issue is Declaration on Social Progress and Development (1969), which affirmed that social progress and development require the full utilization of human rights resources, including in particular, the assurance to disadvantaged or marginal sectors of the population of equal opportunities for social and economic advancement

#### Human rights of particular importance for poverty reduction

Given the indivisibility, interconnectedness and interdependence of human rights, all human rights are relevant to poverty eradication. However, certain rights are identified as being of particular importance in this context. The UN publication "Draft Guidelines for a Human Rights-Based Approach to Poverty Reduction Strategies"[4] recommends that poverty reduction policy planning focus on the following human rights:

#### **Right to health.**

This right is recognized in article 25 of the UDHR of Human Rights. It is described in article 12 of the ICESCR as "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".[5]

It has already been shown how living in extreme poverty exposes the very poor to serious health risks. Statistics also show that mortality rates are very high and life expectancy is considerably reduced among very poor populations. Pregnancy and childbirth are particularly risky and lack of money makes it generally difficult to get medical treatment. Health services are frequently inaccessible, inadequate and ill equipped. The poorest population groups are also shown to be those least often covered by vaccination campaigns although they are the ones most exposed to disease.

Poor health can be both a cause and a consequence of poverty. Health disorders can affect children's school performance, productivity at work, can lead to unemployment and negatively affect the ability to participate in social and cultural life. At the same time, living in poverty can

lead to poor nutrition, exacerbate the effects of unhealthy environments and limit access to health services, which also leads to poor health. According to the Executive Director of UNAIDS, Winnie Byanyima, the right to health is eluding the poor and people trying to lift themselves out of poverty are being crushed by the unacceptably high costs of health care. The richest 1% benefit from cutting-edge science while the poor struggle to get even basic health care.

In the Press Release of UNAIDS on 21 January 2020, reminds nearly 100 million people are pushed into extreme poverty (defined as living on US\$ 1.90 or less a day) because they have to pay for health care, and more than 930 million people (around 12% of the world's population) spend at least 10% of their household budgets on health care. In many countries, people are denied health care or receive poor quality health care because of unaffordable user fees. Stigma and discrimination denies poor and vulnerable people, especially women, their right to health.

Every week, 6000 young women around the world become infected with HIV. In sub-Saharan Africa, four out of five new HIV infections among adolescents are among adolescent girls and AIDS-related illnesses are the biggest killer of women of reproductive age in the region. Despite significant progress in reducing AIDS-related deaths and new HIV infections, there were 1.7 million new HIV infections in 2018 and nearly 15 million people are still waiting to receive HIV treatment.

### **Right to education.**

Article 26 of the UDHR sets forth the right of everyone to education, which “shall be free, at least in the elementary and fundamental stages”. This right is also set forth, in greater detail, in articles 13 and 14 of the ICESCR.

Education is undeniably one of the most effective ways of breaking the vicious circle of poverty. It provides knowledge and training, offering a better future and more control over one's life. Despite the efforts made in recent years by most states, however, it all too often remains inaccessible to those who live in the abject of poverty. Many children under the education age who live in extreme poverty, has to work and support their family instead of going to school, while their parents have no material resources to give them any education either.

On the report of UNESCO on 27 April 2023, remains that around 244 million children and youth are deprived of education worldwide as a result of social, economic and cultural factors. 98 million of whom are in Sub-Saharan Africa, the region with the highest out-of-school population.[6] Yet only 70 per cent of the world's countries legally guarantee 9 years or more of compulsory education. And an estimated 771 million young people and adults lack basic literacy skills, of which two thirds are women. Education is an empowering right in itself and one of the most powerful tools by which economically and socially marginalized children and adults can lift themselves out of poverty and participate fully in society. To unleash the full transformational power of education and meet international markers of progress such as those of the Sustainable Development Agenda, everyone must have access to it.

### **The right to decent work.**

Article 23 of the UDHR sets forth the right to work. Articles 6, 7, 8 and 9 of the ICESCR also recognizes the right of everyone to work, under just and favorable conditions, earning an income and a decent living for themselves and their families, as well as the right to social security.

For very poor people with the lack of housing, education or training, finding a job is often impossible. When very poor people do find work, because of their lack of skills, it is then very often insecure, detrimental to health, and too poorly paid, which is hard to guarantee an adequate standard of living, far less offer any security for the future. Moreover, such work is generally not highly regarded either. Very poor people are thus unable, as emphasized in paragraph 9 of the Copenhagen Declaration of the World Summit for Social Development, “to contribute to the well-being of their families, their communities and humankind”.

A social perspective on development emphasizes the view that the best route to socio-economic development, poverty eradication and personal wellbeing is through decent work. Productive employment opportunities will contribute substantially to achieving the internationally

agreed development goals, especially the Millennium Development Goal of halving extreme poverty by 2015.[7]

There should be a focus on creating better and more productive jobs, particularly those that can absorb the high concentrations of working poor. Among the necessary elements for creating such jobs are investing in labour-intensive industries, especially agriculture, encouraging a shift in the structure of employment to higher productivity occupations and sectors, and upgrading job quality in the informal economy. In addition, there should also be a focus on providing poor people with the necessary skills and assets that will enable them to take full advantage of any expansion in employment potential.

#### **The right to adequate food.**

Under ICESCR Article 11, the States Parties "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing..."

Living in poverty can lead to hunger or malnutrition, which affects the ability of children and adults to concentrate in school and work. The mental and physiological effects of deprivation of quality food can exacerbate poverty. This could include developing social support programs for poor families, improving food services, controlling food prices, providing access to information on healthy eating, etc. According to the Food and Agriculture Organization of the United Nations (FAO), more than one billion people are undernourished. Over two billion suffer from a lack of essential vitamins and minerals in their food. Nearly six million children die every year from malnutrition or related diseases, that is about half of all preventable deaths. The majority of those suffering from hunger and malnutrition are smallholders or landless people, mostly women and girls living in rural areas without access to productive resources.

The vast majority of people suffering from hunger and malnutrition are poor and marginalized, struggling to survive in rural areas. About 50 per cent of people suffering from hunger are smallholders and 20 per cent rural landless people. Another 10 per cent are pastoralists, fisherfolk and forest users. The remaining 20 per cent live in urban areas. The rural poor often lack access to sufficient productive resources, such as land, water, fertilizers and seeds, as well as to markets, information and technology. The FAO Right to Food Guidelines provide detailed guidance on ensuring sustainable, non-discriminatory and secure access to resources and assets, including labour, land, water, genetic resources for food and agriculture, services, etc.

#### **The right to decent housing.**

Article 11 of the ICESCR establishes that everyone has the right to adequate housing for himself and his family. This right is pivotal in that it is also a means for the realization of other fundamental rights.

The housing of very poor people, when they have any, tends to be insecure or if they had, it built with salvaged or low-quality materials, with no running water, sewerage or electricity, or low-cost housing projects, that are often located in unhealthy environments, close to polluting industrial zones or railways. The insecurity of housing for the very poor people may also stem from legal or arbitrary evictions or inability to pay even a minimal rent regularly.

According to the OHCHR/UN-Habitat Fact Sheet No. 21/Rev.1 By the end of 2008, half of the world's population was thought to be living in cities, many without adequate infrastructure and services. UNHabitat notes that the most insecure urban residents are the world's 1 billion poor people living in slums. More than 930 million slum-dwellers live in developing countries, where they constitute 42 per cent of the urban population. This proportion is particularly high in Sub-Saharan Africa, where slum-dwellers make up 72 per cent of the urban population, and in Southern Asia, where they represent 59 per cent.

Slums are blighted by a lack of durable housing, insufficient living space, a lack of clean water, inadequate sanitation, etc. Due to the informal nature of their settlements, slum-dwellers often lack tenure security, which makes them vulnerable to forced evictions, threats and other forms of harassment. UN-Habitat reports that around 2 million people, most of them slum-dwellers, are forcibly evicted every year. The effects of forced evictions on slum-dwellers are often disastrous, leaving them homeless and forcing them deeper into poverty.

### **Right to personal security.**

Article 3 of the UDHR provides that “everyone has the right to life, liberty and security of person”. The ‘inherent right to life’ of every human being is similarly protected by article 6 of the ICCPR, article 9 of which also embodies the right to liberty and security of person. Article 6 of the Convention on the Rights of the Child also refers to the child’s inherent right to life.

The poor typically face multiple forms of insecurity. In addition to experiencing financial, economic and social hardship, they are also subject to frequent death threats, harassment, intimidation, discriminatory treatment and physical violence from government officials and non-state actors. They tend to live in areas with high crime rates and receive less police protection.

Persons living in poverty often cannot enjoy their right to social security. While that right includes both social insurance (contributory schemes) and social assistance (non-contributory schemes), many States rely only on contributory systems as the main source of social security benefits, with social assistance programmes often being inadequate and ineffective. Given that those living in poverty are more likely to work in the informal economy, to hold insecure, lowpaid jobs, to be long-term unemployed or to be unable to work, they are unlikely to be able to contribute to and thereby access social insurance benefits such as pensions and unemployment and sickness benefits. These problems are particularly serious for women as discrimination and care responsibilities result in lower wages and interrupted work histories, reducing their ability to contribute to and benefit from social insurance schemes.[8]

### **Right to equal access to justice.**

Articles 10 and 11 of the UDHR proclaim the equal “right to the law” of all individuals and the general conditions for its exercise. Articles 14 and 15 of the ICCPR embody and define this same right.

The available evidence points, however, to an actual denial of the “right to the law” of persons living in extreme poverty. There are a number of obstacles barring access to justice for the very poor, including: their indigent condition; illiteracy and lack of education and information; the complexity of procedures; mistrust, not to say fear, stemming from their experience of the justice system. The slow pace of justice, and the fact that in many countries they are not allowed to be accompanied or represented by legal aid are few of the examples of the violations of this right.

The poor are particularly vulnerable to discrimination in the administration of justice. They cannot obtain protection from the court because they do not have enough money to pay for a lawyer. Where free legal aid is available, poor people may lack the information they need and simply do not believe that justice can be obtained in court. Moreover, experience shows that the poor are more likely than other citizens to be accused of criminal acts and are more likely to have the presumption of innocence violated.

In order for the important role that justice systems and mechanisms can play in reducing poverty and inequality to be realized, persons living in poverty need to be able to access them. Currently, however, in all countries of the world persons living in poverty face significant barriers that seriously impede or discourage them from seeking justice. Some of the obstacles relate directly to their lack of financial resources – the cost of legal advice, administrative fees and other collateral costs. Other obstacles, including lack of access to information, arise out of inequality and structural discrimination against the poorest and most marginalized. Furthermore, institutional and systemic obstacles are found in the ideology, design and operation of justice system that create barriers for the poor at all stages of the justice chain. These include the inadequate capacity and resources of courts, police and prosecution corps, normative impediments embedded in the legal code, and the location of courts and police stations.

### **Poverty and the Sustainable Development Goals (SDGs)**

For the first time, the international community drew attention to the MDGs to eradicate extreme poverty. The UN’s final report on the Millennium Development Goals (MDGs) examines the state of global poverty in 2015.

- Globally, the number of people living in extreme poverty has fallen by more than half, falling from 1.9 billion in 1990 to 836 million in 2015.
- The greatest progress has been made since 2000. The number of people in the working middle class—living on more than \$4 a day—almost tripled between 1991 and 2015. This group now makes up half of the labor force in developing regions, up from only 18 percent in 1991.
- Since 1990, the proportion of people in developing regions who suffer from undernourishment has dropped by almost half, from 23.3 percent in 1990-1992 to 12.9 percent in 2014-2016.

Clearly there is still a lot of work to be done. So on September 25, 2015, the UN General Assembly adopted the 2030 Development Agenda under the title “Changing our world: the 2030 Agenda for Sustainable Development.” (A summary of all the SDGs is in the additional information section after the exercise “How Much Do We Need?”). Sustainable Development Goal (SDG) 1 states: End poverty in all its forms worldwide by 2030. It has 5 targets:

- By 2030, reduce the proportion of men, women and children of all ages living in poverty in all its dimensions, as measured by national definitions, by at least half.
- By 2030, ensure that all men and women, especially the poor and vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control of land and other forms of property, inheritance, natural resources, appropriate new technologies and financial services, including microfinance.
- By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.
- Ensure that significant resources are mobilized from a variety of sources, including through enhanced development cooperation, to provide developing countries, especially least developed countries, with sufficient and predictable means to implement programs and policies to eradicate poverty in all its forms.
- Establish robust policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication activities.

It is increasingly recognized that human rights are critical to achieving sustainable development. The MDGs supported the protection of some economic and social rights, but ignored other important links to human rights. However, human rights principles and standards are now reflected in an ambitious new global development framework, the 2030 Agenda for Sustainable Development. Based on international human rights law, the agenda provides a historic opportunity to further advance human rights for all people in the world, without discrimination.

Below are the links between SDG 1 (no poverty) and international human rights instruments:

1. Right to an adequate standard of living [UDHR, Art. 25; International Covenant on Economic, Social and Cultural Rights, Art. Eleven; Convention on the Rights of the Child, Art. 27]
2. Right to social security [UDHR, Art. 22; ICESCR, art. 9; Convention on the Rights of Persons with Disabilities, Art. 28; CRC, art. 26]
3. Equal rights of women in economic life [Convention on the Elimination of All Forms of Discrimination against Women, art. 11, 13, 14(2)(g), 15(2), 16(1)].[9]

In sum up, poverty is the new face of apartheid. This statement comes from President Nelson Mandela’s speech in the Copenhagen Conference when he said that poverty is the new face of apartheid and the new face of slavery. It is therefore, it require necessary steps which should be taken both nationally and internationally. Nowadays, poverty is not only caused by state’s economy management, slow progress of development, or a classic old reason; colonialization, but also a globalization. Indeed globalization affects a rapid economy progress of the world. But it can also

affect a creation of dependents states, which its action and reaction is depend on other countries economy policy.

The international concern for poverty can be seen under the framework of international human rights law. Almost similar as its roots, international law, and international human rights law also is a result of global consultancies. Its emerge requires collective initiative and its implementation needs both state consents and global commitments.

Under international human rights law, solution of poverty might be occurred once we distinct what rights are violated which then the legal mechanism can be exercise. International human rights law also acknowledge states as the main obligation which should respect, provide, and respect the human rights of its poor citizens, which require them to responsible in granting all the necessary means to eliminate poverty including the empowerment of the people through popular participation. Both the international covenant of human rights and the Declaration of the Right to Development recognize this.

Besides states as the main responsible actor, dues to globalize reason on how poverty can exist, international community also obliges to ensure its eradication. Declaration of the Right to Development is the one which acknowledged the issue of international effort in eradicating poverty through for instance development aid. However the problems of conditionalities, which can distract the goal and making the problems into worst should be aware. It is therefore, although on this idea the international community oblige to give its support which entitle them to apply conditionalities, the state of recipient should pay more attention to its obligation not to bring the problems into worst.

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