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HUMAN DIGNITY – THE BASIS OF HUMAN RIGHTS TO SOCIAL PROTECTION

Abstract

We argue that using human dignity as a criterion for determining social protection measures is an effective method. Although the concept of human dignity used in the constitutions of individual countries and international documents is vague and contradictory, it can be taken as a basis when justifying the human right to such a level of social protection that guarantees life with human dignity. That is, we adhere to the widespread opinion that human rights are justified by human dignity. We discuss how the concept of human dignity can influence the coercion of state authorities in Kazakhstan to fulfil their obligations to citizens on social assistance, how this concept can influence state social policy. Thus, the submissions can serve as a basis for the improvement of the regulatory legal framework in rights and freedoms protection.

Keywords: human rights, legal regulation, dignity, social protection, welfare state standards.

Introduction

The ancient Greek scientist Archimedes has the expression: “*Dos moipu sto, kai tan gan ki-naso*” – 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 of formation of the welfare state. It is necessary to find and determine the “lever of Archimedes” that could turn the development of the state with the least effort into the mainstream of improving the quality of human life, its social security at all stages of the path of life.

At the beginning of 2019, social tension in a society sharply increased in Kazakhstan against

the backdrop of mass protests by mothers with many children demanding increased levels of social benefits, housing, and privileges. The catalyst for these processes was the tragic incident in Nur Sultan, when on a frosty February night of 2019, five sisters died as a result of a fire, the eldest of whom was twelve years old, and the youngest was only a few months old. Parents worked the night shift. The family lived in the capital for about ten years and rented a room measuring only 30 square meters without basic amenities. Father was engaged in temporary work, providing car repair services. Mother worked in the production of plastic cards, including the night shift. This family, in accordance with

the law, received two benefits: care allowance of the youngest child (paid until the child reaches one year old) for USD 60¹, the second – allowance to mothers of large families for USD 28. The subsistence level in Kazakhstan in 2019 is set at USD 78 per month, and the minimum wage is USD 111.

The tragedy of a family that lost five daughters in one night, its wide coverage in the media, social networks, revealed the problem of poverty of most Kazakhstani large families, families with disabled children, as well as single parents raising children. In order to cope with social performances, the government created numerous commissions under local and central authorities, which were to submit proposals and solutions to the accumulated problems of social protection of families and children in a short time. Nevertheless, their work was limited, unsystematic in nature, was 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, were changed. The essence of the new assistance is that it is paid if the average household income is below the poverty line. The poverty line equals the equivalent of USD 54, or 70% of the living wage. Parents are paid the difference between other incomes and the poverty line. Each child is paid 54 dollars a month. The state presents these measures to improve the well-being of families and children as some additional assistance, a “gesture of goodwill” that is not guaranteed by the country’s Constitution. Moreover, the introduced measures are

presented as some additional budget expenditures that infringe on other items of its expenditures.

This study proves that in a modern social state, assistance to families with children is not an act of charity of the state or society. Based on the analysis of universal international standards and national legislation, it is proved that the right of a family and a child to social protection is natural and inalienable. The basis for the emergence of the right to social security is the category “human dignity”.

The idea of human dignity underlies the construction of welfare states in several highly developed countries where this idea is enshrined in constitutions. Ensuring the dignity of an individual has become the very “lever of Archimedes” with the help of which in a short time the countries have achieved impressive success in measuring the quality of life of families raising children. We propose to disseminate this experience in Kazakhstan so that in the process of forming a state of universal welfare, human dignity becomes a real main value. At the same time, the development of the idea of human dignity should be combined with the formation of a legal culture for citizens to uphold their socio-economic rights by peaceful means. Since “any endeavour to promote human rights needs to ensure the active participation of citizens in their own 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 ac-

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.

tors” (Manomano & Mundau, 2017).

When assessing the novelty of this study, it is necessary, first of all, to proceed from the uniqueness of the social protection system of Kazakhstan, which does not have a similar model in any country. This feature of social protection systems is inherent in almost all countries. In the world, there are common types of social security, but there is no identity in their construction – each national system is unique. The Kazakhstan social assistance system is a post-Soviet model. However, the national system of social protection of parenthood and childhood has nothing to do with the relevant systems of the countries of the former Soviet Union or Eastern Europe.

Research Methodology

The article reviews human dignity as the basis of a welfare state. It demonstrates how, under the pressure of mass performances of mothers with many children, the social policy of the state on material support for families is changing. It is likely that the rallies of mothers, together with the change of the thirty-year rule of the first president, led to a formal reconsideration of assistance to low-income/underprivileged families. However, the help of the new format did not become a solution to the problems of poverty among families, as well as families with children with disabilities. This study proves that in a modern state, social assistance for parenthood and childhood is not an act of charity of the state or society. “Rather than relying on a charitable model, which has many flaws, governments should be encouraged to fulfil their human rights obligations and provide robust income programs (that is, a basic income guarantee) to ensure a reliable minimum income level for all citizens” (Smith-Carrie, 2020).

This article is based on the following algorithm. The literature on human dignity in the context of promoting the right to social protection has been reviewed. The experience of Germany and Greece on the constitutional consolidation of human dignity as the highest value, the development of national social legislation on its basis have been studied. The constitutions of Switzerland, Italy, and Poland have been examined, which fix the principle of respect for human dignity in articles that open chapters on human rights and freedoms.

The most useful methodological approach to studying a social state is to consider its concept through the prism of a human right to a dignified life. The human right to a dignified life is the most important right, which played a crucial role in the formation and further development of the entire system of human rights, in improving the normative form of human interaction, in ensuring the orderliness and effectiveness of the functioning of society and the state. Human rights became universal when human dignity, its intrinsic value and freedom have been recognised.

The international standards of the human right to dignity, and its connection with an adequate standard of living, the right to social security have been studied. The national social legislation has been summarised, its shortcomings in terms of the lack of real guarantees of a living wage for children and families have been revealed. Based on statistical data on the standard of living and incomes of families with children, household experience, conclusions on the relevance and relevance of the immediate change in social policy have been drawn.

A historical analysis of the ways, forms and degree of social protection of the population in Kazakhstan, after the collapse of the Soviet Un-

ion, during the construction of an independent state, suggests that the following approach was relevant, which was believed to correspond to a market economy. Namely, the introduction into the consciousness of society of an ideology of imposing responsibility for the dysfunction of a person and his/her family on himself and the complete liberation of the state from any social obligations. The article refutes this thesis, which dominates in our society. We pave the way for other researchers by challenging the existing approaches in Kazakhstan to the problem of guarantees of social protection. The study stimulates the development and promotion of best practices for the implementation of the welfare state.

It should be noted that there are a sufficient number of published articles and there is a great scientific interest in the phenomenon of social protection, mechanisms for ensuring social rights of a person, issues of social security during periods of parenthood and childhood, as well as the problems of effectively combining employment and fulfilling family responsibilities.

Theoretical sources analyse the genesis, causes, development of childhood social protection systems, and the fight against child poverty (Brooks-Gunn & Duncan, 1997; Huston, McLoyd, & Coll, 1994; Moffitt, 2015); forms of social assistance to families (Fuller, Kagan, Caspary, & Gauthier, 2002; Bradshaw, Hoelscher, & Richardson, 2007; Cousins, 2013). Much attention is paid to the problems of the impact of social protection reforms on the well-being of families and children (Duncan & Brooks-Gunn, 2000; Waldfogel, 2004), the assessment of new forms of social protection (Raadschelders, 2008; Sabates-Wheeler & Devereux, 2007), standards of specific forms of social protection for motherhood, fatherhood and childhood (Acquisti & Gross, 2009), international standards in this field

(Roth, 2004), issues of the implementation of parenthood, family responsibilities and employment in the labour market (Mink, 1995; Hook, Romich, Lee, Marcenko, & Kang, 2016).

At the same time, one must proceed from the uniqueness of the social protection system of Kazakhstan, which does not have an exact model in any country. This property of social protection systems is inherent in almost all countries. In the world, there are common types of social security, but there is no identity in their construction, each national system is unique. The Kazakhstan system of social assistance belongs to the post-Soviet model. However, the national system of social protection of parenthood and childhood has nothing to do with the respective systems of the countries of the former Soviet Union or Eastern Europe. In this regard, the choice of the research topic is unique for social science, novel and can only be compared with the best Kazakhstani samples (Omarova, Taitorina, Yermekov, Doszhanov, Buribayev, & Khamzina, 2017; Khamzina, Buribayev, Oryntayev, & Kuttygalieva, 2015; Mukhamadiyeva, Mukaldyeva, Karasheva, Khamzin, Buribayev, & Khamzina, 2017). The author group of the presented article has a scientific background on the topic of research, and its main idea is directly related, is a continuation and develops existing scientific developments of the co-authors.

Results and Discussion

Analysis of the Category "Human Dignity" in Different Scientific Researches

The idea of "human dignity" is accorded a prominent status in domestic constitutions and international human rights law. Its symbolism as a universal ground of human rights sits awkwardly with the absence of a precise definition.

Despite its prominent status in international law and many domestic constitutions, it does not have a concrete meaning or a consistent way of being defined. This lack of precision often leads judges to put in their moral standards amid competing claims of rights, each of which has a plausible case of human dignity violation. 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 in the definition of the concept (Lee, 2008). Dignity and social security have been closely associated since at least the Universal Declaration of Human Rights in 1948. However, there is a lack of clarity around what dignity means in this context (Patrick & Simpson, 2020). Modern human rights instruments ground human rights in the concept of human dignity without providing an underlying theory of human dignity (Luban, 2009).

Some scientific researchers outline 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 group 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 covers the wide range 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. It is a quite general approach (Hofmannová, 2018).

The third group of researches state that as a general concept, dignity poses a fundamental question: what type of respect can a person demand from others and the state? The three conceptions identified provide a different answer to

what generates dignity or respect in the individual or groups of individuals. First, in its most universal and open sense, dignity focuses on the inherent worth of each individual. Such dignity exists merely by virtue of a person's humanity and does not depend on intelligence, morality, or social status. Intrinsic dignity is a presumption of human equality – each person is born with the same quantum of dignity.

Moreover, inherent human dignity does not establish an external measure for what counts as being dignified or worthy of respect. Rather, such dignity inheres in all individuals without an appraisal by any other standard. Inherent dignity focuses on human potential – not the exercise of such potential. Second, dignity can express and serve as the grounds 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).

Other studies do these that proponents of dignity see it as a useful tool which solves the most important (if not all) of the practical and theoretical problems in human rights law. Arguing against this sympathetic position on the other side of the debate are the sceptics. They have raised troubling questions about dignity's alleged indeterminacy, as well as about the illiberal role that it has allegedly played in certain contexts. The legal ideal of dignity is best understood as an expressive norm: whether an act disrespects someone's dignity depends on the meaning that such act expresses, rather than its consequences or any other attribute of that act (Khaitan, 2011).

For this study, human dignity is considered from the position of ensuring its social rights, creating conditions for a prosperous life, and also

as a constitutional value that determined the course of social development of states.

*Human Dignity as the Universal Value
of International Acts*

The key principle uniting the entire system of social and economic rights of an individual is, as is well known, the provision of Clause 1, Article 25 of the Universal Declaration of Human Rights, according to which: “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 other lack of livelihood in the circumstances beyond his control.” This fundamental principle is developed in paragraph 1 of Art. 11 of the International Covenant on Economic, Social and Cultural Rights, according to which: “The States 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”, as well as in other fundamental acts of the UN and the OSCE. “International human rights covenants regard human dignity as the very foundation of all rights” (Unser, Döhnert, & Ziebertz, 2018).

Since then, not surprisingly, the major conventions on the Rights of Children (1989), the Rights of Migrant Workers (1990), Protection against Forced Disappearance, and the Rights of Disabled Persons (2007) have all included references to dignity, asserting the centrality of dignity to human rights in general and (often) its centrality to specific rights in play in that convention. In addition, international instruments in

other more specific spheres as far apart as those dealing with the right to food and the death penalty have also adopted dignity language in their preambles. A further major fillip to the use of dignity in the international sphere was given by the adoption of dignity as the central organizing principle of the Vienna World Conference on Human Rights in 1993. The Declaration and Programme of Action not only observe dignity as fundamental to human rights in general, but also highlights the concept of dignity in their provisions dealing with particular areas of human rights, such as the treatment of indigenous peoples, the prohibition of torture, the prohibition of gender-based violence and harassment, the abolition of extreme poverty, and the issue of biomedical ethics. Increasingly, the role of dignity has expanded beyond the preambles to international human rights documents and into the texts of their substantive articles. References to dignity have expanded to include not only rights relating to conditions of (and treatment during) detention and the right to education but also other rights: rights in the criminal justice process, rights to be provided minimum conditions of welfare, the right to health, the right of disabled persons to be treated as autonomous individuals, the right of children to be treated with dignity following abuse, rights to reputation, rights of indigenous cultures, rights to control access and use of personal data, 119 and the conduct of biomedical experimentation (McCrudden, 2008).

The UN Charter is the legal basis for the interaction of states in the field of human rights. The preamble of the Charter 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 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 a big step in the development of world civilisation, for the first time at the universal level imposing an obligation on states to universally respect and respect human rights and freedoms. An international legal framework has emerged for the regulation of one of the basic principles of modern international law – respect for human rights and fundamental freedoms.

In 2012, the ILO adopted new social security standards set out in Recommendations No. 202, “Social Protection Floors Recommendation”. The recommendations are the basic tools for determining the level of social protection in most OECD countries; they are relevant parameters for Kazakhstan in order to develop a national social security system. The minimum levels of social protection should include the following basic social guarantees: – access to nationally established types of goods and services that are the most important medical services, including maternity protection, meeting the criteria for availability, accessibility, acceptability and quality; – the basic guaranteed income for children, not lower than the nationally established minimum level, allowing to provide access to food, education, care and any other necessary goods and services; – the basic guaranteed income, not lower than the nationally established minimum level, for people of economically active age who are not able to receive sufficient income, in particular, as a result of illness, unemployment, pregnancy and childbirth, disability; – basic guaranteed income, not lower than the nationally established minimum level, for the elderly. Minimum levels of social protection should be funded by national resources.

The starting point for any state in the formation of its own values in the form of human rights to social protection should be international acts. Universal acts are, as a rule, more progressive in relation to national legislation and serve 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 the Member States recognise the right of an inferior child to special care and encourage and ensure that, subject to the availability of resources, a child who has the right to do so and is responsible for caring for a child is requested, which is consistent with a child’s condition and situation of parents or other carers. In our opinion, maintaining a “full and dignified life in conditions that ensure the dignity of a disabled child, contribute to his/her self-confidence and facilitate his/her active participation in society” is possible, especially in conditions of adequate material security, as well as material support of a parent, raising such a child. In accordance with the current state of Kazakhstani legislation, the allowance to a person raising a disabled child is assigned from the day of applying for an entire period of disability of a child. The allowance is in monetary terms 1.4 of the living wage. Cost of living in Kazakhstan in 2019 is equal to USD 78, respectively, the allowance is USD 109.2, and the minimum wage is USD 111.

At the same time, adequate and complete care and upbringing a disabled child are the hard work of parents that usually requires the abandonment of hired labour, other employment. Nevertheless, parents are faced with a choice: to work as an employee or to raise a disabled child, and this choice is not always made in favour of a child. Lack of proper high material guarantees

for parents deprives a disabled child of the right to live a decent and fulfilling life, enjoy all social benefits, and develop following universal standards.

The authors propose to understand international social security standards as the minimum social security standards enshrined in fundamental or other international acts, treaties, agreements guaranteeing each person and his family the right to such a standard of living that is necessary to maintain the health and well-being of himself and his family in the case of complete or partial loss of livelihood for reasons beyond its control or due to circumstances recognised by the international community a socially respectful.

The authors' conclusions based on the analysis are that the assessment of the internal law of social security from the standpoint of its compliance with international standards should also take into account the trends in their progressive development.

An analysis of international sources made it possible to highlight certain legal facts, which, being fixed at the international level, are recognised as social risks. When they come, a person needs help from the state. The country that has ratified these acts accepts legal obligations to guarantee everyone, upon their occurrence, the corresponding types of social security. Therefore, it can be concluded that the social risks foreseen at the international level are, in essence, recognised as the basis for the emergence of appropriate social security relations. Everyday practice proves the urgent need for the concretisation of each of the social risks for a unified understanding of a minimum international standard. This applies primarily to such risks as disability, motherhood, fatherhood, childhood.

Human Dignity as a Constitutional Value

It should be noted that the formation of social statehood in democratic countries took place under the conditions of a developed civil society and established legal statehood, the functioning of a powerful, stable economy that allows for the implementation of a long-term social policy in the interests of all sectors of society. The task of approving the Republic of Kazakhstan as a social state is put forward in other conditions when Kazakhstani society is at the initial stage of the formation of democracy, the formation of legal and social statehood.

The task of the state is to ensure social justice, equality, morality in relations between people. It determines the need for a socially-oriented state policy. Despite opposition to the ideas of the welfare state on the part of representatives of conservative concepts, this idea is gaining more recognition, is being embodied in practice and is being enshrined in the constitutions of modern states.

A limited interpretation of human dignity as a constitutional value in Kazakhstan does not allow progress on the issue of promoting this definition as an important tool for ensuring socio-economic rights. It is very instructive that the constitutional construction of human dignity is concise, not allowing to get to the bottom of the application of this value. The Constitution of Kazakhstan dated August 30, 1995, in Article 17 proclaims that human dignity is inviolable. Moreover, it is all! That is, a constitutional ban on encroachment on human dignity is enshrined, which is ensured by constitutional guarantees that:

- No one shall be subjected to torture, violence, other cruel or degrading treatment or

punishment (article 17, paragraph 2);

- Everyone has the right to privacy, personal and family secrets, protection of his honour and dignity (article 18, paragraph 1);
- Everyone is obliged to respect the dignity of others (article 34, paragraph 1).

However, in constitutional law, human dignity is a criterion for the attitude of the state towards an individual and its legal status, dignity determines the absolute value of a person. Alternatively, according to Waldron (2013): “dignity is a status that comprises fundamental human rights rather than being a value that functions as a major premise of rights claims.”

Considering the constitutional guidelines for the establishment of Kazakhstan as a social state, the highest values of which are people, their lives, rights and freedoms; based on the fundamental principle of the Republic’s activities – economic development for the benefit of the whole people, as well as the recognition and guarantee of human rights and freedoms under the Constitution; current state social policy of Kazakhstan should proceed from the need to provide social protection measures for all recognised social reasons at the minimum guaranteed level, per the living wage, and additional forms of social protection should be provided by personal participation of citizens in the formation of funds – a source of funding for events. In our opinion, living below the poverty line, incomes below the living wage is a humiliation of human dignity.

The Constitution guarantees that all citizens of Kazakhstan who have reached retirement age are paid a pension in the minimum amount. Achieving retirement age is a traditionally recognised criterion of disability for all citizens who have reached the age established by law, regardless of their financial situation, participation/non-

participation in the funded pension system, and the presence/absence of labour experience. All, only by reach retirement age, are entitled, following the Constitution, to pension provision not lower than the amount of the minimum established by the law on the republican budget for the corresponding calendar year. In the absence of the required length of service in the joint or funded pension systems, the state still pays the social allowance at the level of the living wage (according to the current state of the law, in aggregate, the basic payment is combined with the state old-age allowance, and from 1.07.2018 onwards as an independent payment). Thus, for any citizen of Kazakhstan of retirement age, the necessary legal, financial and organisational opportunities have been created to receive material support from the state not less than the minimum size.

A similar mechanism should apply to children. Childhood is a period of a person’s incapacity for work, children’s age, along with retirement age, is a traditional socially significant legal fact. Unfortunately, the Constitution in Art. 28 stated the value of only disability, retirement age, loss of breadwinner as social risks, a list of other risks is determined by laws. Moreover, there is a constitutional guarantee solely for pension provision to be not lower than the minimum amount. A similar legal construction laid down and identified a negative situation with social security for motherhood and childhood, families upbringing children. Namely, there was a legislative consolidation of the right to material support exclusively for children under the age of one year, for large families (a special state allowance has been cancelled since 2018, but previously assigned allowances continue to be paid), as well as for families with children, when the average family income is lower poverty lines (targeted

social assistance is provided, (the national poverty line is 70% of the subsistence level). However, the legislator did not fix the guarantee that the above payments must correspond to the living wage; respectively, the above-listed payments are below the living wage.

Since 2018, there has been a radical change in the approach to the formation of measures of material, social support for large families: instead of the previously provided three types of social payments (special state allowance for large families, state allowance for families with children, targeted social assistance), single targeted assistance of a new format was introduced for large families. Its essence is that targeted social assistance for a family with able-bodied members is provided if they participate in employment programs. Thus, the state budget relieved itself of the obligation of social material support for a large family (a family raising 4 or more co-resident minor children). This social fact – large families – has ceased to be such, has left the list of social risks in connection with which forms of social security are provided. Legislation has preserved only unconditional help in the form of allowances to mothers awarded with Mother Heroine pendants, awarded with Motherly Glory orders of I and II degrees.

Further, under the pressure of performances by mothers with many children at the beginning of 2019, the format of targeted social assistance was revised in a short time. In spring 2019, the rules for providing social assistance to the poor, including families with children, were changed. The essence of the new assistance is that it is paid if the average per capita income of the family is below the poverty line. The poverty line is the equivalent of \$ 54 or 70% of the subsistence minimum. Parents are paid the difference between other income and the poverty line. Each

child is paid 54 dollars a month. However, the parameter of poverty adopted by the United Nations is living with less than \$ 1.90 per day (“United Nations”, 2017). The \$ 54 is the amount allocated for child support in Kazakhstan, which is only \$ 1.80 a day, and that is below the poverty line adopted by the world community. These figures clearly show that even new social assistance has not solved the problem of child poverty.

Conclusions

Dignity undoubtedly played a key political role in the development of the concept of the welfare state, in the formation of different views on social human rights. Leaving aside the differences in ideological preferences, it should be concluded that dignity has contributed to universal agreement that human rights are based on dignity. The main minimum content of the value of human dignity can be distinguished: each person has an intrinsic value, which should be respected that some forms of behaviour are incompatible with respect for this intrinsic value and that the state exists for a person, and not vice versa. Human dignity cannot be guaranteed without providing guarantees of minimum material assistance, without satisfying the basic needs of a person.

The current social policy of Kazakhstan should aim to provide parents with organisational and legal opportunities for combining work and fulfilling family responsibilities; the rules for providing parental leave, tax incentives to support families, and flexible employment for parents should be introduced.

In our opinion, it is necessary to secure guarantees for the implementation of two interrelated areas for the further development of legisla-

tion and constitutional social rights of an individual: the first is the consolidation of an imperative normative guarantee of the right to social security not lower than the living wage of families raising children, as well as any child, and the second is the recognition of the fact of education child in the family, childhood as social and legally significant fact, the creation of conditions for material state support of all families with children, while their level of support should be fixed no lower than the living wage.

Significant risks for the national social security system in the near future are borne by the informal employment sector, a high level of emigration, and a decrease in the participation of women in legal labour relations. Social services for children and other vulnerable groups are under-resourced and underdeveloped.

Reforms of the social protection system should be aimed at the further systematisation of forms, methods and activities for social support of the population; improving information and administrative systems of social protection.

The construction of a welfare state in Kazakhstan implies a large, continuous work in the field of the formation of mechanisms aimed at creating conditions for a dignified life for a person. 28 years of development of Kazakhstan as an independent state have not ensured the establishment of social legislation that would fully guarantee the implementation of an individual's social rights by generally recognised standards, despite positive changes in this area.

For the purposeful movement of the Republic of Kazakhstan along the path of building a social state, legislatively established indicators of decent living conditions or quality of life parameters are needed. The state should determine: what specific indicators form the quality of life of a person, the family at the present stage, corre-

sponding to the level of socio-economic development of the country. In order to define the respective set of legal indicators, a set of digital parameters of quality of human life in the social state have been introduced.

The most important component of the legal content of a person's right to a dignified life is his/her claim to material wealth, that is, material security, safety, and health care. The state recognises the human right to an adequate, dignified standard of living as a derivative right from human dignity elevated to a constitutional absolute.

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We found an inspiration to write this article while attending a lecture on constitutional law by Prof. Dr Burkhard Breig at the Free University of Berlin in the summer of 2017. At this time, we were working on a study of the social rights of families with children and could not justify the need to expand the investment of state material resources in this area in Kazakhstan. We asked Prof. Dr Burkhard Breig, "What constitutional value is at the heart of the welfare state in Germany"? Furthermore, the answer was that this is human dignity, a category that determines the social development of Germany. This has become our starting point for the formation of our own theory of the development of social statehood in our country, Kazakhstan.

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