

# Children's rights in Kazakhstan: discrepancies of child protection from violence in paper and in practice

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**Abstract:** Children, as rights holders, require effective protection from violence, abuse, and neglect. Kazakhstan illustrates a situation where this right is well established in law but lacks effective practical mechanisms for implementation.

Kazakhstan has been a state party to the United Nation Convention on the Rights of the Child (UNCRC) since 1994. The law [On the Rights of a Child in the Republic of Kazakhstan](#) was adopted in 2002. Kazakhstan fully replicated children's rights according to the international treaty above, even adding an extra right such as the right to live in a family. However, the right of the child enshrined in [Article 19](#) of the UNCRC—on protection 'from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'—remains formal and limited in Kazakhstani practice. This post provides a critical analysis of the implementation of Article 19 of the UNCRC in Kazakhstani law and practice.

## Legal framework

Comparative analysis of the child protection concept in the UNCRC and the cited national law N. 345 of 2002, shows the first discrepancy. Kazakhstan combined Article 6 (the child's right to life) and Article 19 (the child's right to protection from abuse and neglect) of the UNCRC into one article of the national law, precisely:

Article 10. Right of a child to life, personal freedom, inviolability of dignity, and private life

1. Each child shall have the right to life, personal freedom, inviolability of dignity, and private life.
2. The state shall ensure the personal integrity of the child, and protects him/her from physical and (or) mental violence, cruel, rude or degrading treatment, harassment (bullying) of the child, acts of a sexual nature, involvement in criminal activities and the commission of antisocial acts and other types activities that infringe on the rights and freedoms of a person and citizen enshrined in the Constitution of the Republic of Kazakhstan.

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Critical analysis of this domestic provision shows its declarative nature in light of the lack of any mechanisms of implementation. Law 345/2002 has no ground for child protection from violence and abuse in practice while it establishes a system of child rights protection. For example, the law does not provide an actual protection of children in practice apart from providing alternative care and juvenile police (see article 7 and article 30). There is a lack of comprehensive assessment of children's needs, and there is no provision for family participation, as services that care for children do not work with adults. Moreover, there is a lack of understanding among Kazakhstan's politicians and legislators that the protection of children's rights and child protection are two distinct concepts. The former is broader and encompasses all the needs of children, even those under parental protection, while child protection implies state intervention in cases of violence, abuse, or neglect against a child in the care of parents, legal guardians, or any other person caring for the child. In its [2024 report](#) to the CRC-Committee, Kazakhstan highlights recent legal and institutional reforms to strengthen child protection, including measures aimed at preventing violence against children under Article 19 of the UNCRC. The information provided reflects ongoing efforts rather than comprehensive systemic results with limited data on the real prevalence of violence and the effectiveness of protection mechanisms. In its 2025 review, the CRC-Committee [requested](#) clearer and more concrete evidence of how these measures work in practice, particularly regarding prevention, reporting, and coordinated responses to violence against children. These documents support the author argument that while Kazakhstan has taken visible steps at the policy level, significant gaps remain between commitments on paper and effective, child-centred protection in practice. New amendments in the national law, which would enable the establishment of a child protection mechanism, were under consideration at the time of preparation of this report. According to the proposed changes, the new state agency of child rights protection [should be established](#) at all regional levels across the country.

### **Practical issues**

Kazakhstani practice reflects the existing gaps of Law 345/2002. The current child protection system is limited to what is written in the national law. It ensures the right of the child to be placed in institutions in case the child is deprived of parental care. Article 30 of the cited law defines the types of state organizations responsible for child protection in Kazakhstan and specifies which children they serve based on age, health, and social needs.

These include health institutions for very young orphans (0-4 years old), educational and special-regime institutions for adolescents with behavioral difficulties, boarding schools and education organizations for orphans, medical-social institutions for children with disabilities, family-type children's villages without age limits, youth houses supporting young people aged 16–23 during transition to independent life, adaptation centers for minors, centers providing special social services, and organizations assisting victims of domestic violence. These institutions provide care, rehabilitation, special education, protection, and social support to orphans, children

deprived of parental care, children with disabilities, youth in transition, and children facing neglect or abuse.

Two key practical problems regarding child protection from violence require revision. The first is the contradiction between national law and practice regarding child placement in the case of deprivation of parental care. [Paragraph 1 of article 116](#) of the Family Code of the Republic of Kazakhstan (2012) requires priority placement of the child in the family-based care, and only in the lack of a such option institutionalization:

The rights and interests of orphans and children left without parental care are protected by placing them in foster care (adoption, guardianship or trusteeship, foster care, foster family, professional foster family), or, if this is not possible, by placing them in all types of organizations for orphans and children left without parental care.

In fact, statistics of child placement demonstrate the scarcity of family-based placement apart from kinship care (guardianship or trusteeship). According to the [Bureau of National Statistics](#) of the Republic of Kazakhstan, in 2023, out of 21,387 orphans and children left without parental care, 15,668 were under guardianship, 1,660 were in foster families, and 3,727 were under residential care (in institutions for children). While adoption remains a cultural and controversial issue, the other family-based forms (foster family) are [not developed forms of placement](#).

The second key issue is the lack of a comprehensive assessment of the child's needs, especially the lack of assessment of the child's mental health needs and the underestimation of the negative long-term consequences of adverse childhood experiences. This problem is multilayered, including the lack of human capacity, system resources to conduct assessment, and legal gaps and contradictions. In particular, related practice in the context of child protection from abuse and neglect is governed by secondary legislation, e.g., the [Rules](#) for the implementation of state functions related to guardianship and trusteeship, approved by Resolution No. 382 of the Republic of Kazakhstan on March 30, 2012. However, the current legal framework does not have a relevant secondary law that requires a comprehensive assessment of the child's needs. Therefore, the practice of child protection is here limited by the assessment of house conditions, which is an example of the soviet legacy that ignores the mental health needs of the child and the negative implications of adverse childhood experiences.

### **Looking ahead**

Kazakhstan obtained its independence 35 years ago. The number of children is one-third of the total population. In other words, this is a time for better legal and practical frameworks of child protection from violence, abuse, and neglect which meet children's needs and consider long-term outcomes.

Being a state party to international human rights treaties, Kazakhstan should follow international standards and replace the soviet legacy with the child- or human-centred approach. Declarative norms of national law should be replaced by practical norms that imply the resources and mechanisms for the implementation of child protection from violence, abuse and neglect in practice. In particular, the

promotion of family-based care and the adoption of a comprehensive child needs assessment are two key aspects that require urgent revision and improvement.