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The Bottom-Up Implementation of Children's Rights: The Impact of the Third Sector

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Abstract

The implementation of children's rights is associated with challenges that depend on the context of a particular state. Unless a state takes a long-term and sustainable approach in practice, children's rights tend to be the last on the agenda and are implemented under pressure from international organisations or parents. Kazakhstan is a relatively young state, where children's rights are ensured by international and national non-governmental organisations.

This article is devoted to the analysis of two fundamental children's rights: the right to be raised in a family environment and the right to education for children with special educational needs. The first right is considered through the prism of deinstitutionalization processes for children left without parental care, while the second focuses on the political and practical aspects of inclusive education. Both areas are undergoing active reform in the Republic of Kazakhstan, where non-governmental organisations (NGOs) play a key role, demonstrating more effective practices compared to previously applied models.

The article presents a secondary analysis of data from two studies based on the use of a qualitative semi-structured method. This method explores participants' opinions through open questions aligned with the study's goals, ensuring their unique experiences are considered.

The study highlights the crucial role of NGOs in implementing these rights, including family placement, support centers, specialist training, and services for children with special needs. This approach represents a distinctive model emerging in Kazakhstan for the implementation children's rights in practice.

Key words: children's rights, family-based care, special educational needs (SEN), Sustainable development, inclusive education

Introduction

Children are human rights holders according to both the UN Declaration of Human Rights and the UN Convention on the Rights of the Child. Discrimination against children is not permitted based on any grounds. All countries ratified the UN CRC apart from the USA. However, similar to human rights, children's rights are not implemented accordingly in many countries.

Kazakhstan is not an exception where child protection and childcare practices do not comply with the law and the UN CRC. The lack of services and resources has led to violence against children and the violation of their rights (Haar, 2011). The state services for children are agency-oriented (Mussabalinova, 2021) while it should be child-oriented (Hamilton & Watkins, 2011) The Soviet legacy in child protection and child-related spheres is resistant to changes, but the third sector pushes it and implements innovations, showing better ways to meet children's needs and rights. For example, Ismayilova et. al (2014) discussed resistance attitude in the post-Soviet states, including Kazakhstan, to deinstitutionalization policies recommended by UNICEF in spite of

evidence of abuse and neglect in residential care.

As many other ex-Soviet countries, Kazakhstan is under constant reforms in all spheres - political, economic, and social, with different levels of success. The social sphere came to the surface the latest, in 2009, including children and their problems, despite the UNCRC being ratified in 1994, almost immediately after Kazakhstan obtained independence in 1991. The relevant domestic law “On the Rights of Children” was approved in 2002 which is eight years after the ratification of the UNCRC, while the child rights ombudsman position emerged in Kazakhstan in 2017, which is 15 years after the approval of the law. Formalism of implementation of children’s rights to family-based care and inclusive education were earlier discussed in literature (see Mussabalinova, 2020; Mussabalinova, 2021; Mussabalinova & Polat, 2023, Mussabalinova, 2025). In its 2024 report to the UN Committee on the Rights of the Child, Kazakhstan outlines recent legal and institutional reforms aimed at strengthening child protection, including measures to prevent violence against children in accordance with Article 19 of the UN Convention on the Rights of the Child. However, the information provided primarily describes ongoing efforts and initiatives and provides little data on the prevalence of violence in practice or the effectiveness of protection mechanisms. In its 2025 review, the UN Committee on the Rights of the Child asked Kazakhstan to provide more specific evidence on how these measures are implemented in practice, particularly with regard to preventing violence, reporting such cases, and coordinating responses across agencies. These documents demonstrate that, despite significant steps at the policy and legislative level, a significant gap remains between accepted commitments and the implementation of a child-centered protection system in practice (Mussabalinova, 2025a; Mussabalinova, 2026).

For this paper, the children's rights approach of Freeman (1992, 1997, 1998), O’Neill (1988), and Fortin (2003) was applied, as well as Galtung’s theory of positive peace (Galtung, 1990). Freeman argues that children cannot enjoy their rights without relevant services, including medical, educational and social services. Galtung believes that a person can only develop their full potential in the conditions of positive peace, in other words, the lack of structural violence.

The literature views the state as the primary duty bearer for child protection and cannot escape responsibility simply because care or services are provided by NGOs or other non-state actors (Johnson, 2025). At the same time, NGOs are increasingly described as having separate but complementary responsibilities (Žibera et al., 2025), meaning that they can help fill operational (practical) gaps but do not replace the state's obligation to respect, protect, and fulfill children's rights. When the state does not guarantee and provide services, the third sector or representatives of civil society, if such exist, starts to fill in that gap. As practice shows and will be discussed below, Kazakhstan is not an exception as child protection practice do not always comply with national and international law on children’s rights. The third sector helps the state to implement children’s rights in practice.

Despite the growing body of research on children's rights and child protection reforms in the post-Soviet context, relatively little work examines how these rights are realized in practice through the interaction of state institutions and civil society actors. Existing research on Kazakhstan primarily focuses on legal reforms, institutional legacies, and policy development in areas such as deinstitutionalization and inclusive education. However, the specific role of non-governmental organizations as drivers of practical implementation has received limited attention in academic research.

This article addresses this gap by analyzing empirical data from two qualitative studies and conceptualising the emerging model as a bottom-up form of children's rights implementation, in which civil society actors implement practical models that are subsequently incorporated into public

policy.

The right of the child to be raised in the family.

The harm of a child's separation from mother on the child's development, especially in early ages, was explained by the attachment theory of John Bowlby (1973, 1982). The existing studies proved the adverse impact of raising children in orphanages and other institutions besides the family (MacLean, 2003; Tizard & Hodges, 1978).

Haar's research (2017) indicates that approximately 43% of children residing in shelters and 50% of those in orphanages or facilities for children with behavioural issues in Kazakhstan reported observing instances of violence among peers within these institutions. Furthermore, Haar (2017) reported that 40% of staff in infant homes, 69% of staff in institutions catering to children with psycho-neurological conditions and severe disabilities, and 80% of staff in special education correctional facilities witnessed violence among children. Both children and staff acknowledged that violence perpetrated by staff against children represents a significant issue in these institutions. Specifically, 26% of children in shelters, 35% in orphanages, and 41% in facilities for children with behavioural challenges reported witnessing staff engaging in violent behaviour, while 22% of staff in infant homes, 51% of staff in institutions for children with psycho-neurological conditions and severe disabilities, and 56% of staff in special correctional institutions admitted to observing staff violence against children. Alarming, between 25% and 53% of staff expressed support for the use of corporal punishment in these settings.

Haar's findings were released in the Kazakhstani media and caught the attention of both official bodies and the third sector. The latter established the social movement titled "The child has the right to live in the family" and organised the civil forum with the same title in March 2013 (Bodrova, 2013), where suggested the replacement of residential care by alternative family-based care.

Residential care in the nomadic society of Kazakhstan is a social phenomenon that emerged during the Soviet Union as a result of hunger, the Second World War, forced settlement, forced migration, and prisons for the state's enemies and their families (Mussabalinova, 2021). In 2011, the number of children deprived of parental care in residential care was 12 925 (Office of National Statistics, Strategic Planning and Reforms Agency of the Republic of Kazakhstan, 2024). Foster families, as well as prevention measures, did not exist. Carolyn Hamilton highlighted in her report for UNICEF in 2011 that the child protection system in Kazakhstan is not child-oriented. Since then, the situation changed under the third sector lead and according to the UN recommendations.

The foster family as an alternative placement was legalised in 2015, the orphanages transformed into child support centres in 2020, mentorship for children in residential care was legalised in 2023, and family support centres are in the process of starting their work in 2024. At the time this article was written, the most recent statistics indicated a decline in the overall number of children in residential care who were deprived of parental care. By 2022, the total number of such children in residential care had decreased to 3,790, including 177 children under the age of 2 and 1,824 children with disabilities (Human Right Watch, 2019) Notably, the fostering and mentorship programme does not work for children with disabilities, who remain excluded. Therefore, professional fostering may be a solution. Relevant legal changes are under discussion at the parliamentary level in collaboration with representatives of the non-governmental sector.

The right of children with special educational needs to education.

A child's right to education in Kazakhstan is enshrined in the UN international conventions

“On the Rights of the Child”, “On the Rights of Persons with Disabilities”, as well as in national legislation, for example, in articles 15 and 31 of the Law of the Republic of Kazakhstan “On the Rights of the Child in the Republic of Kazakhstan”. The definition of inclusive education in the Kazakhstan law emerged in 2011, while internationally the Salamanca Statement defined it in 1994. In particular, it established the fundamental principles of inclusive education: “All children should learn together, wherever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognise and respond to the diverse needs of their students”. Kazakhstani practice on inclusive education has varied since 2011, moving from a medical to a social approach. According to the definition of the child with special educational needs (SEN) provided in the Law “On Education” in 2018, inclusive education meant education for children who have limitations due to health reasons. In 2021, the definition of the child with special educational needs changed and embraced any child “who experiences permanent or temporary needs in special conditions to receive education at the appropriate level and additional education”. Now, any child with special needs can receive special support if their parents choose to enroll them in mainstream schools or preschools. Alternatives for these children are special educational organisations or homeschooling.

In recent years, the topic of inclusive education in Kazakhstan has generated considerable debate among academics and the general public (Oralbekova et al., 2016; Somerton et al., 2021; Makoelle, 2020; Rollan & Somerton, 2021). Additionally, considerable attention has been drawn to analytical reports by international organisations such as the Organisation for Economic Co-operation and Development (OECD, 2016; OECD, 2017) and Human Rights Watch (2019). These reports highlight the numerous developmental reforms taking place within Kazakhstan's education system, including pre-school education. Despite these advancements, persistent inequalities in access to education remain, particularly for children from vulnerable groups, including those with disabilities (OECD, 2016, 2017)

The third sector is the active actor in these ongoing reforms (Mussabalinova & Polat, 2023). Several NGOs built up their reputation via sustainable and efficient contribution into development of inclusive education, for example, DARA Charitable Foundation; The Public Union ‘Association of Holders of Bolashak International Scholarship of the President of the Republic of Kazakhstan’; Bolat Utemuratov Foundation. However, in terms of inclusive education, the third sector in Kazakhstan pays more attention to schools, but less attention to early childhood education. This might be explained by the later development of this sector in the context of inclusive education. The major reason for the underdevelopment of early childhood education in Kazakhstan is the loss of this sector during the 90s and hard recovery in recent years (Mussabalinova, 2023; Hensher & Passingham, 1996)

Since this paper discusses findings of the research on early childhood inclusive education, the following statistics provide the overall picture of inclusive education in 2017-2018. As of January 1, 2017, out of 7,285 children with special needs aged 0-3 years, 4,360 (59.9%) children received access to education, of which 1,933 (26.5%) were in general education groups of state mainstream kindergartens, and 1,840 (25.3%) children in private educational organisations. As for children with special needs aged 3-6 years, their number was 40,943 children, of which 29,849 (72.9%) children receive education, of which 13,151 (19.6%) are in general education groups of general kindergartens, and in private educational organisations 4,766 (11.6%) (Nogaibaeva et al., 2017). It may be noted that access to education also includes home education for children aged 3 to 6 years; such an option is not established for children under 3 years of age.

Overall, the aim of this article is to explore the role of the third sector in the implementation of children’s rights in Kazakhstan. While existing research examines legal reforms and institutional

legacy in Kazakhstan, significantly less attention has been paid to how children's rights are realized in practice through the interaction of state institutions and civil society organizations. In particular, the question of whether NGO participation complements the state or effectively replaces state functions in implementing children's rights remains understudied. This article contributes to this debate by analyzing empirical data from two qualitative studies and exploring the identified pattern as a bottom-up model of child rights implementation. This article focuses on two children's rights: the right to be raised in the family and the right of children with special educational needs to education. The former discusses the deinstitutionalisation of children deprived of parental care, while the latter touches upon the policies and practices of inclusive education.

This article argues that in Kazakhstan, the implementation of specific children's rights is shaped by a bottom-up approach, with non-governmental organizations acting as practical initiators of reform in areas where the state is slow to develop effective service delivery mechanisms. Although the state retains formal legal responsibility under international human rights law, empirical evidence shows that NGOs often initiate institutional innovations that are subsequently enshrined in state policy. Accordingly, the article addresses the following research questions:

1. What role do NGO-led initiatives play in realizing children's rights in Kazakhstan?
2. How do NGO-led initiatives influence state reforms in the areas of family care and inclusive education?
3. To what extent does this bottom-up principle reflect a complementary partnership or a substitution of state responsibilities?

Methods

This paper provides secondary descriptive analysis of data from two research studies on children's rights to family and inclusive education (see Mussabalnova, 2021; Mussabalnova & Polat, 2023, Polat et. al, 2023).

Qualitative semi-structured interviews were applied as a method for original data collection in two studies mentioned. This method enables exploring the opinions of the interviewees (Kvale, 1996). The interview's questions were focused on the research aims and questions. This paper presents the findings on one of the themes only which is the impact of the third sector on the implementation of children's rights in Kazakhstan. It applies a descriptive approach to law implementation in Kazakhstan. The purpose of this article is not to conduct an exhaustive assessment of state policy, but rather to identify recurring patterns in the practice of implementing child rights.

Data:

All interview questions were open-ended that allowed researchers to lead the interview depending on the participant's experience.

Participants:

All interviews were conducted with professionals working with children, including teachers, medical workers in the education sphere, representatives of NGOs, representatives of state bodies responsible for children's protection and education, and parents. Ethical approval was obtained prior to data collection. Participants were given pseudonyms or codes to ensure their anonymity. Data collection took place for the first research in 2018 with 20 participants from NGOs

and state bodies, for the second research in 2020 with 10 professionals working for NGOs, 32 parents, and 30 teachers of preschool organisations. Data was collected in different parts of Kazakhstan, including the capital – Astana city and the ex-capital – Almaty city, in two languages: Kazakh and Russian, and the analysis was translated to English.

Theoretical framework:

Both studies were conducted from the Children’s Rights perspectives (Freeman, 1992; O’Neill, 1988; Fortin, 2003) where the researchers explored the implementation of the right to be raised in the family in the first study and the right of the child to education in the other two. Data collected for the studies mentioned were analysed thematically. The original empirical data were triangulated with the children’s rights approach of Freeman (1992, 1997, 1998), O’Neill (1988) and Fortin (2003) and Galtung’s theory of positive peace (1990). Both studies applied thematic analysis, where preliminary coding were introduced based on literature review and finalised after data were collected. New codes or changes in preliminary codes were common for both studies. This paper presents the findings on one of the common themes, which is the impact of the third sector on the implementation of children’s rights in Kazakhstan. It applies rather a descriptive than critical approach to law implementation in Kazakhstan. It is not comparative study.

Although the empirical material comes from two independent studies conducted in different years and covering different policy areas, the data sets were analytically combined in this article because they identified a recurring thematic pattern: the role of the third sector in the practical realization of children’s rights. This approach follows the methodology of qualitative thematic synthesis, in which previously collected data sets are reanalyzed to identify common patterns across various political and social spheres. This analytical strategy allowed us to examine how similar dynamics emerge across different policy areas, in particular family care and inclusive education.

Results

1) The right of children to be raised in the family.

Data collected in 2018 regarding child care system in Kazakhstan showed that representatives of the third sector had a vision of how the system should change toward family-based care. While the state representatives were saying that they do not know how it will work, as they did not see any example:

“We did not see it as an example, as it will be, we do not know” (Darya, guardianship authority, personal communication, 2018).

The participants from the non-governmental sector already suggested and saw how it would. It relates to the transformation of orphanages into family support centres and professional foster families.

“For guardianship authorities to function effectively, the establishment of Family Support Centres remains essential. These centres must be created, specialists need to be trained, and their skills must be continuously enhanced to ensure they are equipped to deliver high-quality services to families” (Zhuldyz, NGO representative, personal communication, 2018).

“You need to rely on NGOs because they have already accumulated certain experience, you need to choose the best, and you need to rely on them. The first thing that NGOs did was train foster parents. There are certain models, there are several organisations that began to do this, developed programme, studied international experience, that is, there are already ready-made solutions. The

attitude towards transformation is what it should be. It is not easy to close everything, education of orphanages is an objective process while expanding placement into families, but if you do not open central child care centres in place of these orphanages, then well, this is a temporary step because if you do not do normal prevention, after some time they need to be opened again. The concept of foster families is unclear in Kazakhstan. If they are considered foster families, they must act as professional foster families. Providing training to foster families is a positive approach to preventing children from being placed in orphanages. In our system, foster families operate on a patronage model with increased financial support - they are given more money - but in essence, they are the same as foster care. I don't see any difference.” (Mira, NGO representative, personal communication, 2018).

Two years later, the orphanages were renamed to children’s support centres and in 2023 into support centres for children in need of special social services. Family support centers were established in Kazakhstan in 2024, while legal amendments that introduce professional foster families were approved in 2025. One of the key problems that was raised during the study is the shortage of staff in the child care system that can supervise such foster families and prevent a child’s return to institutions.

“Over the past two years, over 20 per cent of children was returned to orphanages because the selection was not made correctly, the foster carers were not properly trained.” (Olga, NGO representative, personal communication, 2018).

“To improve the work of the guardianship authorities, well, first of all, we need to increase the staff definitely and we need to make/create conditions for them so that there is no staff turnover, well, because people come and almost immediately leave, they don’t have time to familiarise themselves with the specifics of the work” (Zhuldyz, NGO representative, personal communication, 2018).

Legal changes that are suggested at the current stage include increasing the number of staff and additional payment for workers of the childcare system, but the project has been discussed for more than a year. The system remains agency-oriented when needs have to meet the resources which are limited according to the rate of the soviet legacy system due to the lack of political will. All changes in this regard are the result of national and international advocacy.

“All the same, agency (state bodies) interest remains higher than the interest of the child, and many authorities do not want to take on additional burdens and concerns in order to equalise the situation in order to adequately consider this as a whole, what kind of help is needed, and therefore they involve NGOs. Now the question arises that many such forms of work with families could be transferred to the non-governmental sector. The financing scheme itself requires planning, and effectiveness - quality - instability - risk - can worsen the situation of children. The state must monitor how services are provided; plans must be developed by the state, and execution can be transferred to NGOs and a number of other organisations.” (Aigul, NGO representative, personal communication, 2018).

2) *The right of children with special educational needs to education.*

Analysis of data collected during the 2021 study on early childhood inclusive education and the 2022 study on the right of children affected by nuclear testing in the ex-Semipalatinsk region shows that teachers of mainstream preschool and school level are neither taught nor prepared to teach children with special educational needs, while the trainings are not free:

“An inclusive child requires more attention, and here, of course, the problem is either for these children, or then the inclusive child will be left alone (not involved in class activities). Or if I

pay more attention to this child, then other children may misunderstand something. It would be nice if we had some kind of seminars, like now in the Karaganda region, on inclusive practice. Previously, when we had correctional groups, every year we had a seminar in kindergarten, a seminar on correctional work, where we travelled to each other, what we learned, something that could be used in work, then we took notes. If there were the same seminars on inclusion, at least once a year, where we could really see each other and watch how other teachers work and take something interesting and new for ourselves, it would be wonderful.” (T2, Karaganda region, Shahtinsk).

“There are a lot of problems. We signed an agreement so that we are introducing inclusion into the education system, but ... on a piece of paper, this is one thing, but in reality, whatever happens. Well, first of all, my opinion is that these children should be trained in some specialised classes and schools” (T2, Almaty Mini center, rural).

“Now there are a lot of courses on inclusive education, but ... of course I want to take them, but they are all expensive, not free of charge. I have not yet seen programmes with free ones.” (T2, Almaty Mini Center, rural).

Conversely, representatives of the third sector promote and implement best practices in inclusive education within state-owned organisations through collaboration and formal agreements, such as memorandums signed with local authorities or state educational institutions. According to analysis of research data, NGOs in Kazakhstan engaged in inclusive education operate through three main avenues: 1) providing training; 2) enhancing facilities; and 3) delivering inclusive services within schools and preschool organisations.

“We prepared a course on inclusive education, and more than 2.5 thousand teachers from all over Kazakhstan took part in it” (NGO representative 1, 2021).

“We understand that teachers and educators do not possess such knowledge, of course, take on our topic, yes, for autism, autism spectrum disorders. We conducted professional development courses for ordinary schoolteachers, for correction rooms, because, again, I think this is an innovative approach to working with children with autism in our centres. (NGO representative 10, personal communication, 2021).

“My main task was to expand the networks of offices of psychological and pedagogical correction. At that time, there were about 183 state offices of psychological and pedagogical correction (OPPCs). It should be noted that the goal of the state was mainly directed to the countryside. More precisely, they were focused on villages, and in cities, such OPPCs were not opened. We already operate over 45 centres. 39 of these centres were given on a turnkey basis. 39 of the centres were fully constructed and organised.” (NGO representative 1, personal communication, 2021).

“To date, we have opened 43 inclusion support offices, or in other words, resource rooms. In two kindergartens, in which we have created conditions for the integration of preschool children.” (NGO representative 4, personal communication, 2021).

Children with disabilities started to be excluded from society according to the Soviet legacy since they are born. Namely, in maternal hospitals, it is common practice that parents of children with disabilities are encouraged to abandon their child after the child is born:

“For some reason, they (author’s comment: they are doctors at a maternal hospital) somehow reacted in this way. For his skin ... "Will you take this?" I thought I forgot the package or something else. They just took him to this place. And they said: "Will you take this?" ... They said, "you can leave." I say, but he is my child. I wanted to quickly escape from there. It seemed to me that they would suddenly take him away from me. Maybe they have such laws. Yes, they

announced to me that he has Down syndrome. I, of course, did not understand what it was” (P2_KG2_Nur-Sultan_18-Mar_21_Eng).

When it comes to education, there are other exclusive practices that create several barriers to education for children with special educational needs. First, as mentioned above, teachers are not ready to work with children with special educational needs (SEN). Second, there are not enough special educational organisations for all children with SEN. Consequently, children with SEN have no choice other than to remain in homeschooling, which means they have no environment for socialisation. However, with the third sector intervention, more children have the chance to remain with their parents and join educational organisations. Good practices that are demonstrated by NGOs initiatives lead and encourage the state to implement their evidence-based practice across the country.

Discussion and Conclusions

From a legal perspective, the findings of this study raise an important question about the relationship between state obligations and third-sector participation in realizing children's rights. According to the UN Convention on the Rights of the Child, the state remains the primary actor responsible for respecting, protecting, and ensuring children's rights. The empirical data presented in this article demonstrate that in Kazakhstan, many practical innovations were initially introduced by NGOs and only later incorporated into state policy. This creates an implementation dynamic in which civil society actors act as catalysts for reform, while the state retains formal legal responsibility.

After the collapse of the Soviet Union, all post-Soviet states inherited similar standards and systems of state services, including medical and education services. Restructuring and reforming state services mechanisms vary from state to state and from sphere to sphere.

The Government of Kazakhstan collaborates with the third sector to strengthen the child protection system and promote children's rights. Although it took decades to be heard in the above-discussed cases, the third sector of Kazakhstan demonstrates sustainability and efficiency. The global history of human rights saw various revolutions and advocacy campaigns for human rights from different groups of rights holders, including women, people with disabilities, and migrants. The Kazakhstani practice of children's rights implementation is the case of a peaceful state-civil society partnership. As outlined in the fifth and sixth consolidated periodic reports on Kazakhstan's implementation of the Convention on the Rights of the Child, approved by Government Decree No. 942 on December 28, 2021, the number of non-governmental organisations in the country has grown significantly over the past three decades, rising from 100 to 22,000. Among these, over 200 organisations specifically offer services to children in need.

The purpose of this study was to explore the role of the third sector in the implementation of children's rights in Kazakhstan. The findings of two research revealed the contradictory state practice by being non-proactive in the implementation of children's rights in practice and allowing the third sector to do so. The positive aspect of this contradiction is state-civil society collaboration regarding innovation in the realm of children's rights. However, according to the UNCRC, the state must implement children's rights in practice. The factual delegation of the state's commitments to the third sector might be explained and justified by the state, but remains a fact. Therefore, the bottom-up implementation of children's rights is a distinctive model emerging in Kazakhstan for the implementation children's rights in practice.

Kazakhstani NGOs continue to lead the state in working on prevention and inclusion. Family support centres suggested by NGOs above assume the prevention of child separation from families in difficulties. The best and most visible example of family, namely mother support, is the “Dom Mamy” (*Mother’s House*) project that has prevented the abandonment of 6,695 newborns in maternal hospitals by providing help to mothers in need (Dom Mamy, 2024). Regarding inclusion and the right child with special needs to education, the best and most sustainable example is the Different-Equal project through which 46 Psychological and pedagogical service centres operate in the regions and regional centres of Kazakhstan, 48 inclusive education resource centres opened in general (mainstream) education schools, 25 800 children with disabilities receive services in the existing centres and 750 children receive support from teachers at school (Dara Foundation, 2024). The further development of state-civil society collaboration is possible if there is the political will for the legalisation of services provided by NGOs. Kazakhstan might benefit from studying the Western states' practice in collaboration with the third sector in this regard.

The authors of this paper express concern about the practice of non-governmental organisations taking the lead in protecting children’s rights and interests, highlighting the risk of uneven and selective implementation due to financial and operational constraints. This approach is also unsustainable for the same reason, as it does not ensure equal access to services for all children due to the lack of a systemic approach to implementing children’s rights. Building on theoretical framework (Freeman, 1992, 1997, 1998; O’Neill, 1988; Fortin, 2003; Galtung, 1990), the study recommends that policymakers in Kazakhstan learn from successful third sector initiatives and work together to scale up good practices across the country through systemic reforms. So far, although the third sector in Kazakhstan introduces a good practice and based on that suggest changes such as family support centers, foster families, inclusive classes, the implementation of these innovations in practice remains inefficient or limited. One reason of that might be assumed that NGOs promoted child-centered approach and were heard in terms of additional services needed, but were not engaged enough for systematic dissemination of good practice across the country.

This paper contributes to the scarce discussion on children’s rights in Kazakhstan. However, the authors acknowledge the limitation of the scope of this paper, covering only two children’s rights practices: the right of the child to be raised in the family and the right of the child with special education needs to education. This paper opens the door for other research with a wider scope that embraces other children’s rights practices in Kazakhstan and the involvement of the third sector in the implementation of these rights. The findings suggest the emergence of a bottom-up pattern of implementing children’s rights in Kazakhstan. Further comparative research would be necessary to determine how distinctive this dynamic is in relation to other post-Soviet contexts.

Future research could benefit from a comparative analysis of practices in other countries. In particular, Kazakhstani policymakers would likely be interested in policy recommendations based on evidence-based analysis of international practice. This is consistent with the general practice of legal transplantation in developing countries to improve their legal frameworks.

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Балалардың құқықтарын «төменнен жоғары» қарай жүзеге асыру: үшінші сектордың ықпалы

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Аңдатпа

Балалар құқықтарын жүзеге асыру белгілі бір мемлекеттің жағдайына байланысты қиындықтармен байланысты. Егер мемлекет іс жүзінде ұзақ мерзімді және тұрақты тәсілді қолданбаса, балалар құқықтары күн тәртібінде соңғы орында болады және халықаралық ұйымдардың немесе ата-аналардың қысымымен жүзеге асырылады. Қазақстан - балалар құқықтары халықаралық және ұлттық үкіметтік емес ұйымдармен қамтамасыз етілетін салыстырмалы түрде жас мемлекет.

Бұл мақала балалардың екі негізгі құқығын талдауға арналған: отбасылық ортада тәрбиелену құқығы және ерекше білім беру қажеттіліктері бар балалардың білім алу құқығы. Бірінші құқық ата-анасының қамқорлығынсыз қалған балаларды деинституционализациялау процестері тұрғысынан қарастырылады, ал екіншісі инклюзивті білім берудің саяси және практикалық аспектілеріне бағытталған. Екі сала да Қазақстан Республикасында белсенді реформадан өтуде, онда үкіметтік емес ұйымдар (ҮЕҰ) маңызды рөл атқарады, бұрын қолданылған модельдермен салыстырғанда тиімдірек тәжірибелерді көрсетеді.

Мақалада сапалы жартылай құрылымдалған әдісті қолдануға негізделген екі зерттеуден алынған деректерді талдау ұсынылған. Бұл әдіс қатысушылардың пікірлерін зерттеу мақсаттарына

сәйкес келетін ашық сұрақтар арқылы зерттейді, олардың бірегей тәжірибелері ескеріледі. Зерттеуде үкіметтік емес ұйымдардың осы құқықтарды жүзеге асырудағы маңызды рөлі, соның ішінде отбасына орналастыру, қолдау орталықтары, мамандандырылған оқыту және ерекше қажеттіліктері бар балаларға арналған қызметтер атап өтілген. Бұл тәсіл балалар құқықтарын іс жүзінде жүзеге асырудың Қазақстандағы бірегей моделін білдіреді.

Кілт сөздер: балалардың құқықтары, отбасылық тәрбие, ерекше білім беру қажеттіліктері (ЕБК), тұрақты даму, инклюзивті білім беру.

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Реализация прав детей снизу вверх: влияние третьего сектора

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Аннотация

Реализация прав детей сопряжена с проблемами, которые зависят от контекста конкретного государства. Если государство не применяет долгосрочный и устойчивый подход на практике, права детей, как правило, оказываются на повестке дня последними и реализуются под давлением международных организаций или родителей. Казахстан – это относительно молодое государство, где права детей обеспечиваются международными и национальными неправительственными организациями.

Настоящая статья посвящена анализу двух фундаментальных прав ребёнка: права на воспитание в семейной среде и права на образование для детей с особыми образовательными потребностями. Первое право рассматривается через призму процессов деинституционализации детей, оставшихся без родительского попечения, тогда как второе акцентирует внимание на политических и практических аспектах инклюзивного образования. Обе указанные области находятся в стадии активных реформ в Республике Казахстан, где неправительственные организации (НПО) выступают важным участником, демонстрируя более эффективные практики в сравнении с ранее применяемыми моделями.

В статье представлен анализ данных двух исследований, основанных на применении качественного полуструктурированного метода. Данный метод обеспечивает изучение мнений участников через открытые вопросы, адаптированные к целям и задачам исследования, что позволяет учитывать их уникальный опыт.

Результаты исследования свидетельствуют о ключевой роли неправительственных организаций в обеспечении реализации данных прав, что охватывает такие направления, как семейное устройство, функционирование центров поддержки семей, профессиональная подготовка специалистов и предоставление дополнительных услуг для детей с особыми образовательными потребностями. Данный подход представляет собой уникальную модель Казахстана по практической реализации прав детей.

Ключевые слова: права детей, семейное устройство, особые образовательные потребности (ООП), устойчивое развитие, инклюзивное образование.

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