BA Muratalyeva Gulzar

KURAK: GLIMPSE INTO SOCIAL PROTECTION MEASURES OF CHILDREN IN KYRGYZSTAN AND UNDERSTANDING INSTITUTIONALISATION PRACTICES

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Advisor: Ana Ferreira, Assistant Researcher and Invested Assistant Professor

Advisor: Mag. Guenther Schreder

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ABSTRACT

Social policies on children´s protection have been analyzed and put into focal attention for decades in the academy and international relations practices. It is especially imperative within the existence of major power actors in the form of the UN Convention on the Rights of the Child and UNICEF, the infusion of children´s social policy protection as a global policy in other countries. The main provision of protecting and classifying the vulnerability of children coupled with the protection of families also has been one of the main prominences within the latterly mentioned frameworks of social policies. This current thesis concentrates on highlighting the measures of protection and care of children at risk through Kyrgyzstan's state-established policies by also taking into account the imposition of external actors' policy implications on the de-institutionalisation models. It investigates the essential problem gaps and overlooks within state policies basing itself on four main categories– Intra-institutional partnerships, familialisation, the notion of vulnerability, and comprehensive child development – to systemically direct the attention on how each part is formulated, orchestrated, and interpreted contrasted with the experts' perceptions derived from the field. The coloniality of knowledge and methodologies imposed onto third-world countries' policy practices is highlighted through the historical Soviet and Tsarist path, current power games within Eurocentric practices, and Kyrgyz state notions on how children´s vulnerabilities are defined and protected. Additionally, the imposed modernisation and transitional patterns are systemically investigated regarding the matter of de-institutionalisation practices to subsequently explore pre-existing alternative, local forms of protection and care towards children.

Keywords:

Vulnerable children, de-institutionalisation, social policy, modernisation, transition, alternative protection, global policy, imposition of policies, coloniality of knowledge, child protection.

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ABBREVIATIONS

OP – Optimisation Plan on the Management and Financing of Residential Care Institutions for 2013-2016

DI – De-Institutionalisation of orphanage residencies

NGO – Non-governmental organisations

UN – United Nations

CLD – Causal Loop Diagrams

1. Introduction

Institutionalisation and orphanage residencies: not only Kyrgyz practice

Institutionalisation of vulnerable children in residencies also referred to as orphanages is a worldwide practice. The circumstances for vulnerable children leading to the provision under residential institutions vary based on the contexts including but not limited to solely socio-economic but rather non-linear, structural, and complex conditions in which the family and children reside. The institutional residencies are defined as "large-scale facilities such as orphanages, boarding schools, and similar residential care facilities typically neither built around the needs of the child nor does it resemble a family situation" (Huseynli, 2017, p. 160). Institutional residencies and orphanages also often are referred to as Residential Care Settings (RCSs), which constitute a crucial element of child protection and welfare measures globally (Roche, 2019, p. 1). As author Freundlich (2008) posits, institutional orphanages primarily served as an open, public residence or an asylum in the past for orphaned children whose parents either passed away or could no longer take care.

The aforementioned institutions were initially constructed and launched in the United States, United Kingdom, Europe, Russia, and generally in the Northern Western context in the early 1900s and are still present in their re-established form of foster families, family-type orphanages, daycare centres, or boarding schools. For instance, SOS Children´s Villages[1] which was established in Vienna, Austria in 1949 serving vulnerable children as a protection measure is one of the examples of latterly mentioned ways of protection. The vast majority of researchers on institutional protection mechanisms have highlighted harmful and oppressive consequences and conditions that vulnerable children come across during their stay as well as once they leave the orphanages. Institutional culture is marked by several features, including emotional and cognitive adverse effects, depersonalization, rigidity of routine, block treatment, and social distance (Huseynli, 2017, p. 160). These factors are mentioned commonly and repeatedly. This does not imply that it lacks importance or can be disregarded. It only calls for illustration of factors beneath the surface like child labour, vulnerable exposition of children to sexual exploitation and trafficking, maltreatment, physical and emotional abuse, neglect, and abuse from peers just to mention a few (Roche, 2019). Beyond a shadow of a doubt, similar conditions happen to children outside of institutions even before they are put there. Children and parents face dimensions of factors which include the complex interplay of structural conditions, individual risk factors, and personal experiences that lead children to end up in orphanages. Despite experts continually stating that orphanages and institutionalized schools could be understood as similar to isolated prisons (Earner &

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[1] https://www.sos-childrensvillages.org/about-us/history

Telitsyna, 2021) the estimated amount of institutionalised children around the world constitutes more than eight million varying every year (Roche, 2019).

The reasons behind children´s assignment in orphanage residencies historically derived from crisis tribulations. Wherewithal the wars, and public health crises constituting disease outbreaks in conjunction with socio-economic poverty where parents have passed away or are deficient in the continuity of taking after children (Salmorbekova & Karimova, 2021). Consequently, the crisis junctures would not only influence parents´ economic circumstances but also their mode of living. That subsumed factors such as alcoholism, substance dependency, and the lifestyle choices of families, which resulted in the nonchalant abandonment of children. The latter came into view with the construction of the "social orphanhood" concept (Salmorbekova & Karimova, 2021). Social orphanhood is defined as the notion that a child has experienced abandonment or is left unaccompanied by living parents, whose custodial rights have been terminated, they might be under confinement or unknown. In certain instances, children are also subjected to abandonment despite having living parents with full guardianship rights (Ashimova, 2021).

With the purpose of tackling the institutionalisation of children, the global policy on de-institutionalisation (DI) was brought forward by the United Nations which posited "Guidelines for the Alternative Care of Children for 192 Member States, which highlighted the need for member states to adopt a deinstitutionalization objective and strategy" (Hamilton-Giachritsis & Browne, 2012, p. 912). That strategy framework highlighted the principles of shifting from institutional towards community and family-based settings of protection on account of the adverse effects of orphanages on children. Consequently, UN member states initiated processes of de-institutionalization, a primary condition for receiving funding, each implementing distinct procedures and yielding varied outcomes. For instance according to Huseynli (2017) in Romania, the closure of 93 institutional orphanages led to a reduction in the number of children residing in these facilities, declining from 43,000 in 2002 to 23,000 in 2010 (p. 162). Similarly, Serbia experienced a 29.5% decrease in placing children at institutionalised orphanages followed with 27% increase in foster care placements between 2007 and 2011 (Huseynli, 2017, p. 162).

The practices and tendencies mentioned above highlight that the institutionalisation of children is a worldwide phenomenon influenced by diverse contextual factors and conditions. It is crucial to note that the impacts, initiation, and results of de-institutionalisation models brought forward by the UN also vary significantly among countries. Therefore, the subsequent discussion introduces the trajectory of Kyrgyz policies, and tendencies of institutionalisation of children, and unveils complexities in this regard.

Factors affecting children in orphanages in Kyrgyzstan

In Kyrgyzstan, 2018 statistics illustrate more than 13,500 children residing at orphanage institutions (Osmonalieva, Atabekov, & et.al., 2021). The institutional orphanages are mixed, where some of them are private, and the predominant unit is public governed by the state of Kyrgyzstan. Per previously mentioned ramifications children encounter residing in orphanage residencies around the world, the repercussions in the scope of the Kyrgyzstan context follow the next observations.

The most recent comprehensive study conducted by Nordin (2015) on *"principal perceptions towards de-institutionalisation of children in Kyrgyzstan from **relevant policymakers and NGO representatives"*** outlined factors depicting how orphanage institutions affect vulnerable or at-risk children.

Component of factors affecting children in institutionalized orphanages in Kyrgyzstan	Adverse physical, emotional, and cognitive effects: The posttraumatic outcomes coupled with stress and further emotional disruptions affect children residing in institutional orphanages. Moreover institutional care is often correlated with negative, adverse health implications, insufficient nutrition as well as a lack of cognitive stimulation.
	Isolation and segregation: Frequently children staying at orphanage institutions are segregated from social livelihood and attend the activities solely occurring at the residencies. This can also be attributed to the fact that certain residential areas are closed and do not permit children to freely access outdoor spaces.
	Limited access to public schools: Some orphanage institutions lack structured educational programs or opportunities for children to enrol in public schools. Therefore, the majority of the children remain within the orphanages where they receive their education, lacking access to public schools.
	Shortage of caregivers: The quantity of caregivers, predominantly women, imposes and inflicts stress, anxiety and burden from the shortage of providing individualized care to each child, compounded by insufficiently and unevenly distributed and inadequately supported responsibilities for caregiving.

Table 1: Component of factors affecting children in institutionalised orphanages in Kyrgyzstan. Adapted from Nordin, A. (2015)

The above-shown table depicts some of the factors that children and employees come across amid practices and within the walls of institutionalised orphanages in Kyrgyzstan. Although this image raises concerns, it's important to recognize that Nordin's study and others may not have fully addressed all relevant factors that could profoundly affect vulnerable children before and once they are placed in orphanages. These factors could include public policies related to these issues, their implementation within institutions, and their specific impacts on children in such settings. While previous studies have highlighted these issues, it remains to be further addressed. The next preceding section unveils the causes of children's placement in orphanages and the ramifications of the Optimisation Plan on the Management and Financing of Residential Care Institutions for 2013-2016 (OP) in Kyrgyzstan.

Situating the problematics

Although the root reasons behind placing children in orphanage institutions in Kyrgyzstan comprise from complex levels and layers of hurdles based from addiction (20%), migration processes (18%), divorces (14%), unemployment (12%) to poverty, early pregnancy, physical abuse/violence in the family and many more (Salmorbekova & Karimova, 2021) the keen issues that children face in institutions as previously illustrated, necessitates for systemic understanding of children safeguarding and protection frameworks in tandem with orphanage institutions structures. Undoubtedly, the main body of "legitimised" systems of child protection institutions administered through policymakers and governmental protocols, posit as imperative to systematically analyse the implications of institutions initially. The occurring research gap lacking investigation outlined by several authors regarding the protection of vulnerable children and their further institutionalisation highlights the significance of a systemic approach in exploring social policies.

For instance according to Nordin (2015), the lack of a systemic approach in exploring the child protection systems covering measures of vulnerable children protection, further overlays in an inadequate problem diagnosis and identification of deficiencies within the child protection system of Kyrgyzstan. Especially in light of the fact that the child protection system in Kyrgyzstan is split and fragmented involving several government ministries incongruous in coordination and collaboration not only with each other but also in the involvement with other entities such as NGOs and collectives. A study on child welfare frameworks implemented by Huseynli (2017) within the Azerbaijan context, also accentuated the significance of systemic evaluation by stating that "The systematic approach is lacking in child protection including coordination of the SPDAC " (p. 164). The authors Earner & Telitsyna (2021) also emphasized that the intricate and extensive history of child protection systems in post-Soviet countries, shaped by numerous internal and external stakeholders, underscores the necessity for a comprehensive systemic analysis to be undertaken. Additionally, Nordin's (2015) comprehensive investigation, which stands as the most recent and singular research on the "De-Institutionalization of

orphanage institutions implemented in late December 2012" under the "Optimisation Plan on the Management and Financing of Residential Care Institutions for 2013-2016 (OP)" developed in collaboration with representatives from the European Delegation and UNICEF, has brought to light significant issues. These findings underscore the imperative for the current study, which adopts a systemic approach to addressing these challenges. Nordin (2015) emphasizes that the de-institutionalisation strategy does not put at its core goal the transformation of orphanage institutions into a system of family or community-based care services for vulnerable children and families. "By engaging in such reform, focus is placed on preventing family breakdown, rather than providing residential care as an alternative for children" (Nordin, 2015, p. 18). It is also pivotal to consider that the OP plan was the sole state strategy towards de-institutionalisation as a way of protecting vulnerable children and since 2015, there have been no further studies or research endeavors aimed at systemically exploring orphanage institutions and the sources of protection available to children.

Therefore, considering the previously mentioned factors and problematics, the main research question set forth is:

1. *"How do Kyrgyzstan´s governmental policies provide protection towards vulnerable children?*
2. *"Whether or not the policies reinforce the institutionalization of vulnerable children while hindering the possibilities of a transition towards alternative forms of protection and care?"*

To address the above-mentioned research questions a systemic analysis encompassing two state social policy documents will be conducted. It will also incorporate perspectives from NGO representatives working in the field. This combined approach seeks to provide a comprehensive understanding of policy measures aimed at protecting vulnerable children, focusing but not limited to factors such as implementation, identification, and classification.

Research aim

The main aim of this thesis is to characterize the factors within Kyrgyzstan's governmental social policies on the protection of vulnerable children and how their implementation at the institutional level might hinder the transition towards alternative forms of care. Taking into consideration the aforementioned key factors and complexities, this study aims to delve deeper into the diagnosis of issues and gaps within policies for protecting vulnerable children and to characterize their institutional implementation. These are critical concerns previously highlighted by Nordin (2015) and other authors. By delving into historical contexts and situating current practices, the study aims to explore a nuanced understanding of the concept of transition and reformations in child protection policies in the scope of Kyrgyzstan. This is performed because overlooking the problems that may occur or that are already

embedded within the state social policies may result in further drastic repercussions for vulnerable children.

Research objectives

The following study has several main objectives to follow and explore throughout the whole process:

- Analysis of two main policy documents: "Code of Children" & "Decree of the Government of the Kyrgyz Republic: on the approval of a typical provision on orphanages" to identify the measures in which the government of Kyrgyzstan provides protection towards vulnerable children and institutionalisation in orphanage residencies.

- To gather perspectives from relevant representatives of non-governmental organisations to detect and recognise additional factors and discrepancies that might be overlooked in the policy documents and gather practices from the field to determine whether or not the state policies reinforce institutionalisation of children in orphanage institutions. Moreover, this allowed to determine possible existing alternative forms of community-based care and to explore other additional, informal practices of protection which may not be legitimised by the state of Kyrgyzstan.

- To connect the link of the factors from the policy analysis and perspectives from experts, a causal loop diagram was constructed to visually demonstrate and answer the main research question, *whether or not the policies reinforce the institutionalization of vulnerable children.*

- To accomplish all of the above-mentioned objectives, the following thesis will employ complexity theory coupled with critical border thinking as systemic and critical theoretical frameworks.

Structure of the study

The structure of this current study is divided into six main chapters with several sub-chapters, which introduce and deeply involves into the context of vulnerable children protection measures of Kyrgyzstan. Followed the outline that the paper will adhere to:

1. Historical Contextual base of Kyrgyzstan
2. Theoretical Frameworks applied
3. Methodologies applied within this study
4. Analysis and discussion of findings
5. Systems mapping results
6. Alternative care and protection measure

2. Historical Contextual Base of Kyrgyzstan

This thesis aims to achieve a comprehensive understanding of child protection and institutionalization systems concerning vulnerable children in current Kyrgyzstan. For that the "Kurak" concept is utilised. "Kurak" translated from Kyrgyz language means "patch" or "patches". This involves combination of coloured patches, pieces of fabric, leather, felt into one single fabric element. Kurak is a traditional, nomadic culture with a certain sacred and symbolic meaning associated with the transmission of harmony, health, well-being, necessary for a person´s journey in life. The most important symbolic property of "kurak" is the strengthening of the family, the unification into an inseparable whole of representatives of different families, communities, etc. For that the concept of "Kurak" as the metaphorical systemic collection of puzzles into a single patchwork, where every piece plays significant role and interdependent is proposed to a wholesome understanding of the child protection systems in Kyrgyzstan. Thus, It is imperative to take a historical step back to trace the emergence of prevailing laws and policies on child protection. Especially because "the histories from Asia, Africa, and America were denied as history" (Tlostanova & Mignolo, 2006, p. 206) by positing substantial external actors' visions before child welfare. Hence, it is indispensable to factor in the historical path as well as the emergence of the laws and policies of the past to unravel its continuity and influence towards the present. Especially in the context of systemic exploration based on the research question, the approach posits as crucial to involve tracing historical roots to identify significant factors and gaps that impact current policies on child protection and the emergence of institutional orphanages.

From Tsarist colonisation to conversion mode in the proximity of Soviet Era

Kyrgyzstan, a post-soviet country and one of the lands with tsarist colonisation experience, established its independence on August 31ˢᵗ, 1991. The republic is located in a mountainous region in Central Asia across Silk Road Valley together with neighbouring countries such as Kazakhstan, Uzbekistan, Tajikistan, and Turkmenistan. But dating back to 1860, when the whole region was identified as Turkestan, the colonizing arrival of tsarist officials (now known as Russia) strikingly converted the indigenous practices of living and being of local people (Chotaeva, 2016). The rhetoric under drastic changes was to introduce "cultural development" by positing themselves as "the carriers of European civilization" (Teichmann, 2009, p. 39). Moreover, the region was not only under the eye of the tsarist officials. The rivalry of power imposed by the Russian Empire and Great Britain dating from 1813 to 1907 referred to as **"Great Game"** and the attempt to seek control over the territory by neighbouring China was all executed as the main intent of supremacy over current Central Asian territories (Chotaeva, 2016). The driving factor was the interest and prominence of geopolitical and military interests, by putting the cultural and economic interests at last. However, it was not the primary motivation, as much as the "rather aggressive Russian Orthodox universalist ideal of a particular

spirituality, taking over the whole humanity, of the specific oecumenical and universalist Russian Orthodox vision" (Tlostlanova, 2009, p. 3).

Whilst the British Empire´s target to seize the Turkistan region, including Kyrgyzstan, Russia (tsarist officials) exerted itself fully to gain ground by establishing itself first (Osmonov, 2012). The force of colonisation by the tsarist Empire was unadulteratedly political and strategic. To illustrate, the expansive appropriation of Turkestan land territories led not only to the acquisition of extensive borders of tsarist empire but also to "Russian nationalism, islamophobia and anti-nomad policies (aiming at their sedentarisation) came to dominate government policy and rapidly reshaped the situation in the Central Asian territories" (Teichmann, 2009, p. 40). The latter is well-developed by Chotaeva, who states that: "the primary reason for Russian expansion was political: to gain a new territory and region of political influence, and the secondary was economic: to receive a source of cheap labour and raw materials including cotton and land as well as new market for Russian goods and products (Chotaeva, 2016, p. 78)". Sooner that thought, the tsarist empire faced with rebellions and uprisings from the faces of local people residing in Turkestan: the 1898 Andijan rebellion and the 1916 Rebellion. The catalyst of such was the colonial land acquisition of what was known as collective pasture land of nomadic people by Russian and Ukrainian peasants also known as *pereselensy* for cultivation, imperial colonial policy administration in the form of heavy taxation, and mobilization of indigenous men for military purposes (Chotaeva, 2016, p. 86). The liberatory movements and fortitude as depicted in Picture 1 below were remarkably anti-colonial which resulted in massacres of Turkestan nomadic people by violent oppression stifled, stemming from the tsarist army. The approximated number of people killed was around 200,000 out of which majority constituted women, children and elderly with hand tools available fighting against fully armed forces, including *pereselensy* (Osmonov, 2012, p. 50).

Picture 1: 1916 Rebellion and Nomad people fleeing to China (Author: S.Chuikov)

When people in Turkestan thought that the storm had finally passed, another tempest loomed on the horizon. The conquest and regime of unused Soviet rule came into picture and the establishment of Soviet Union, which was accompanied with "atheization, collectivization and cultural Revolution"

led to mass killings of many innocent people (Chotaeva, 2016, p. 88). Conversely, during the Soviet Union period, the creation of first an autonomous region, and later the construction of an autonomous union Kyrgyz state unfolded.[2] However, during the Soviet era majority of contradictory occurrences appeared. As a case in point the political, economic and educational "*developments*" came forth by the installation of institutional education system, metal and machinery industrialisation and policy reforms on a regional level (Chotaeva, 2016). At the same time, "Russification" as the linguistic reform motive, genocidal suppression of Kyrgyz people and then refugees who fled to China in 1916 and mass repressions (Chotaeva, 2016) were also part of the Soviet Union governmental strategy. This to be said that "the Russian imperial discourses demonstrate a Janus-faced nature of this empire which always felt itself a colony in the presence of the West and at the same time half-heartedly played the part of the caricature – "civilizer" in its non-European, mostly Islamic colonies" (Tlostlanova, 2009, p. 2).

The Kyrgyz SSR, acquired its independence in 1991 after the fall of Soviet Union as an independent Kyrgyzstan which meant that the sovereign government had to establish its own political system principles. In furtherance of that, Kyrgyzstan instigated the new project of the Constitution of the country in the company of "Jogorku Kenesh", which is known as the highest legislative body-parliament of the republic (Osmonov, 2012). The unprecedented reforms and conception of laws after decades of colonisation and "Tsarist and Soviet 'civilising missions' (Teichmann, 2009, p. 38) placed a vast amount of responsibility and opportunities on reclaiming the ways of nomadic doing and living.

Overview of nomadic protection of children and institutional system inception during Soviet rule

The nomadic Kyrgyz ethnic groups carried out the rituals and unwritten laws based on the family community, sharing circulation with no ideology of separation to private and public through a special system of information transmission and continuity of actions, which was interpreted as membership, including children (Long, 1998). The laws that were engaged before the tsarist colonization and soviet rule were based on a variety of different local structures, one primarily referred to as "*adat*" governance. Adat means "a form of conventional law as determined in a court of '*aksakals*' or elders" (Ashimova, The Development of Child Protection Systems in the Post-Soviet States, 2021, p. 92), which depicts the sustaining manifestation of social practices and child protection based on local knowledge unattached to Islamic laws. The fundamental basis of principles and codes of social protection of children was embodied through the cosmology of community-based knowledge which involved the local customs and traditions passed through centuries. The unwritten laws based on the resilience of nomadic tribal networks of community traversed in the shape of fairy tales, proverbs, folk

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[2] https://www.booksite.ru/fulltext/1/001/008/061/338.htm

epics, and sayings "were the most important protective mechanism for the preservation of the people, identity, and socialization of the individual and led to the development of ideas of social protection of children in Kyrgyz society" (Ashimova, 2021, p. 93). In this manner, a child was protected through traditional, community, and family structures to which they belonged and interrelated. The second supplementary way of governing, approached to the civil, social policies was based on "Sharia", adopted from the ideologies and convictions of Qur´an once the Islamic belief system settled in a Turkestan region; and once the tsarist law and soviet rule installed itself, the framework of Russian Feudal law was the one directing the child welfare policy (Ashimova, 2021, p. 92). For instance, after the 1917 rebellion and Soviet rule establishing itself through Central Asian countries, one of the core focuses of the social policy agendas and imperial shift from nomadic ways of living in Central Asia was from "civilizing missions" (Silova & Palandjian, 2018, p. 149) with the upbringing and education of children as a priority (Builasheva, 2014, p. 8). Institutional way of the public education system was initiated and the welfare system offering "comprehensive services for women and children" (Builasheva, 2014, p. 8) was one of the essential forms of governance, where "[…] the Soviet approach to childhood nevertheless had important implications for education policies, school curriculum, and political socialisation practices, affecting children's schooling and everyday lives" (Silova & Palandjian, 2018, p. 149).

The focal point of previously mentioned child welfare services and policies was to establish unified "mass literacy campaigns and the establishment of a mass schooling system" (Silova, Millei, Cachkhiani & et.al., 2021, p. 151) with unfolding premises of "political socialisation of children, beginning as early as preschool activities" (Silova & Palandjian, 2018, p. 153). Laying out the particularities of political socialisation of children conveyed the message of nationalism through school's obligatory and extra-activity curriculums in order to "develop social consciousness, loyalty to the Soviet regime, and the virtues of initiative, activism, discipline, and cooperation" (Matossian, 1968, p. 76). Consequently, if the Kyrgyz nomadic traditional way of protecting and educating children was basing itself on "informal" kinship, home-based approaches through a variety of nurturing and indigeneous knowledge, the sovietic system of education on other hand grounded itself as authors Silova and Palandjian (2018) stated "to children at the centre of its ambitious nation-building project, linking the fate of the USSR and to homogenize the behaviors, actions, and appearances of children, leading to the creation of an ultimate Soviet citizen" (p. 166) through the perception of child and childhood as the principal centre of modernisation and future of Soviet rule.

The Soviet emergence of institutional orphanages and children pertaining to the "enemies of people"

The preceding mentioned historical timeframe of tsarist colonial period and later soviet rule depicts the consequence of the emergence of institutional orphanages in the current Central Asian and further Post-Soviet countries. The outcome of the tsarist colonial regime gave rise to the escalation of orphaned children, yet it encompassed further layers of extensions. In particular the Stalinist years of "great terror", First World War and critical to underscore the collectivization, ethnic cleansing of Tatars, Cos- sacks as well as Central Asian populations, resulted in millions of children left without parental care (Semya, Telitsyna, & Garifulina, 2021, p. 139).

Tracing the emergence of institutional orphanages in Kyrgyzstan and Post-Soviet countries practically commences with the new Soviet government establishing its system of social welfare. One of the main underlying objectives behind the previously mentioned convention was that "communist social security, in which everyone with a disability or need. . .can hope that the state. . . will come to their aid." (Semya, Telitsyna, & Garifulina, 2021, p. 139). The social welfare and the determination to provide aid for children also considered underlying motivations towards the "ideal Soviet citizen" ideology, as noted in the preceding chapter. Authors Semya, Telitsyna & Garifulina (2021) in the book "The development of child protection systems in the Post-Soviet States" within the chapter of "Features of the Soviet Period" conveyed that the inclination of the Soviet State to assist children could also be elucidated by ideological motives, driven by the perceived necessity to cultivate a new societal archetype—a citizen quintessential of the Communist doctrines (p. 139). Adhering to this established policy, approximately more than seven million children were in the framework of the need for state assistance. The majority of them were homeless as they were also called street children, which instigated the state program to instantaneously institute orphanage residencies in conjunction with boarding schools, communal houses, and later guardianship forms of protection fundamentally built upon a self-contained and regulated model of labour communes dedicated for homeless children or minors in law conflict designed by Anton Makarenko in 1927, who was a dedicated "social worker, writer and education theorist" (Semya, Telitsyna, & Garifulina, 2021, p. 139). The initial operation of these institutional orphanages serving as labour shelters, swiftly became instrumentalized for divergent methodologies and practices. The policy discussion in 1919 on whether parental rights should be terminated if the upbringing of a child diverged from the ideologies of communism was brought forward under the People's Commissariat of Social Security (Earner & Telitsyna, 2021). Any conduct of parents which possibly could be described as counter-revolutionary or implied as an act or behaviour of opposition to communism in the matter of child fostering culminated in the term "enemies of people" (Earner & Telitsyna, 2021).

In the mid-1930´s when Stalin repressions erupted violently against people who were mostly parents under the label of "enemies of people" due to their anti-Russia political stance, resulted in the rapid increase of orphaned children (Ashimova, 2021). This new group of orphans, whose parents were victims of repressions, were to be put into orphanage residencies. However, once what was thought to be a progressive and protective model of child protection, adapted from Anton Makarenko, was now equated to prisons due to its segregated, child exploitative, and extreme conditions of living (Semya, Telitsyna, & Garifulina, 2021). Those institutional orphanages were the very first to be established in Kyrgyzstan, created specifically for the orphaned children of individuals deemed "traitors to the nation" (Ashimova, 2021). Furthering in the events of occasions, in 1940 children whose parents from former Soviet Union republics passed away during First World War accompanied by severe meagreness of food, were also placed in the same orphanage institutions (Ashimova, 2021). Once the amount of children placed in those residencies escalated rapidly, the new policy of shifting from state-controlled orphanage residencies to guardianship kinship form of protection emerged. As outlined by Besschetnova (2011), this method of protection assigned guardianship of caring for children entrusted to the relatives of those affected by repression, lasting only until a certain point in time. By 1968 the family-type kinship was eradicated by putting the institutional orphanages as the sole and primary form of child "protection" (Earner & Telitsyna, 2021).

Current context of social policies and child protection in Kyrgyzstan

Kyrgyzstan gained its independence in 1991 after the fall of Soviet rule. This period was characterised as an anguishing and tormenting experience for the majority of families, and especially for children. Since the country used to sufficiently depend on agriculture and financial support from the centralised government in the image of soviet rule, at this point the constraint, mostly in economic sector, led to a prerequisite from international financial institutions referred to as "shock therapy" (Builasheva, 2014, p. 12). This meant swift reforms of policies and implementation of institutional changes, which generated a rapid and worsened increase in poverty across the country dreadfully affecting the citizens. Due to shortage of resources available, the services to sustain and protect children in the form of institutionalisation, previously soviet administered practice, remained in terms of shifting the social protection modalities into a broader context of lessening poverty (Kim, 2022). In 1994, the government of Kyrgyzstan signed and joined in the ratification of UN Convention on the Rights of the Child by positioning the protection of vulnerable children in its focal core of attention within *"the best interests of children"* motif. Even though the latter didn't directly imply the de-institutionalisation of orphanage residencies at the beginning, the "Optimisation Plan on the Management and Financing of Residential Care Institutions" signed in 2013, enunciated expectations of shifting from residential institutions by adopting the global de-institutionalisation policy model (Nordin, 2015). A similar practice took place in other post-soviet countries. The case of Kazakhstan for instance as authors An &

Kumala (2020) posit illustrates that "although it does not specifically call for the dismantling of residential institutions, the Guidelines for the Alternative Care of Children (adopted in 2010) set clear expectations for DI in child welfare and obligations for member states to implement relevant national policies" (p. 54). The Optimisation plan was carried out with European Delegation and experts from UNICEF directly (Nordin, 2015) to later be distributed and initiated through non-governmental organisations and the government itself. Some of the reflections and results of the plan will be later illustrated in the results and discussion chapter of the document from the perspective of NGO representatives who are directly involved with vulnerable children in the field and who are also faced with consequences of the OP plan imposition on de-institutionalisation.

Last but not least, it is imperative to mention that one of the core representatives of legitimised and formal measures of child care and protection in current Kyrgyzstan is the government. This task is performed through different ministries and local agencies such as: Ministry of Education and Science, the Ministry of Health, the Ministry of Social Development, the Ministry of Internal Affairs, the Ministry of Labour, Social Security and Migration, local governments, courts, Prosecutor's office, and Ombudsman office. A majority of authors have expressed that the absence of a unified and specifically established ministry within child protection system causes fragmentation in policies' reforms, implementations, and evaluations concurrent with a lack of systemic cooperation and collaboration between existing ministries liable for the protection and care of vulnerable children. In connection to that, the state protection and care is established through several social policies and provisions all based on the Constitution of Kyrgyzstan. The next chapter opens up the theoretical frameworks established within this current study.

3. Theoretical Background

Global De-institutionalization of orphanage residencies and Critical Border Thinking Theory

Institutionalisation of children and De-Institutionalisation of orphanage residencies is a global tendency in social policies practiced around the world for children deprived of parental care. The concept of de-institutionalization (DI), is defined as "a shift in policy and practice of caring for orphans and children deprived of parental care – from a residential institutional environment to a family environment in the community" (Ulybina, 2022, p. 128). The underlying agenda of de-institutionalization considers relocation of vulnerable children to a community-based protection model. The previous is well defined by Ulybina (2022) who states that de-institutionalization of orphanage residencies "should not be reduced to the closure of institutions but understood more broadly as a complex change in childcare provision, aimed at downsizing, transformation and closure of institutions, as well as development of services in the community that would prevent separation of children from their parents" (p. 129). It is imperative however to note and highlight the fact that de-institutionalization strategy is a global policy, with long history and primary practices in Western societies. In fact, the initial attempt of de-institutionalization to be deployed as a global framework was conducted during the Geneva Declaration on the Rights of the Child, initially established in 1924, which later evolved into non-binding United Nations (UN) Declarations that were subsequently adopted in 1948 and 1959 (An & Kulmala, 2021, p. 54). Considering the situation in now newly established independent post-Soviet republics and Kyrgyzstan particularly, the sovereign republics had to reconfigure the policy principles by going through transformation.

This specific transformation of Post-Soviet countries was theorized by Western states as "*countries in transition*" which as An & Chambon (2017) critically described, for the West's interest meant "modernization or development paradigm, which views historical development as an evolution from traditional, pre-modern societies to modern, industrialized, and urbanized states" (p.44). This perspective implied that Western states viewed themselves as "modern and developed", while the rest, non-Western part of the world for them was considered as "undergoing the process of modernization" (An & Chambon, 2017, p. 44). Consequently within their theorized framework of "*transition*" the post-Soviet sovereign republics´ post-socialist social policies, not even to mention the local and traditional knowledge, were all to be rejected. In exchange to posit the "replacement of discredited Soviet-type welfare institutions by modern, global, Western-type policies" (An & Chambon, 2017, p. 44).

Kyrgyzstan as the former-soviet country was not an exception of the previously mentioned "*countries in transition*" paradigm in terms of its child protection social policies. Taking into account

the historical imperial-colonial Tsarist and Soviet rule mentioned in the previous chapter which conveyed direct discourses of " ´civilizing missions´, ´development´ of social policies and children upbringings, progressivism and Soviet Orientalism clearly demonstrated their links with Western colonialist macro-narrative" (Tlostanova, 2015, p. 272). As such, now the fall of the Soviet regime, for the Western states was defined as "proof of the ultimate victory of capitalism, and, consequently, of the universality of a single path of ´development´ and ´modernization´ " (An & Chambon, 2017, p. 44). This implied the expansion of Western neo-liberal capitalist actors' intervention and ideas which are "internationally legitimate" to first "externally constructed policy models, commonly referred to as 'modernization' " to a thereafter neo-colonial model of "external social constructs, policy models that are internationally perceived as "appropriate", often irrespective of major differences in national resources, institutions and traditions" (Ulybina, 2022, p. 131).

Consequently, the Western model of globalisation, "modernity and civilization" respective and not limited to the child protection social policies in post-soviet countries and Kyrgyzstan implied to the domains of European coloniality and "colonial power matrix" [3]. This in itself designed the "classification and ranking of regions (for example, developed/ underdeveloped or First/Second/Third Worlds, where the imperial and the colonial differences can be seen working in tandem) goes hand in hand with classification and ranking of people (for example, civilized/barbarians, humanitas/anthropos; black,yellow,brown/white; heterosexual/gay and man/woman in the First, Second, or Third Worlds, etc.)" (Mignolo, 2011, p. 22). The latterly mentioned posits the "modernity" and "development" the origin of which is the West (referring to Europe) foundational on the premise of coloniality. As Mignolo posits "Hence, today's common expression "global modernities" implies "global colonialities" in the precise sense that the colonial matrix of power is shared and disputed by many contenders: if there cannot be modernity without coloniality, there cannot either be global modernities without global colonialities" (Mignolo, 2011, p. 44). Illustration on classification of post-soviet and post-socialist countries, especially Central Asia including Kyrgyzstan by the UN and other Western states was shaped with the premise of "misdevelopment which required assistance with reforms in order to bring them into the state of 'normalcy' " (An & Chambon, 2017, p. 44).

Thus, to further articulate the aforementioned within the context of children protection social policies in Kyrgyzstan **"Critical Border Thinking"** theory is proposed as the additional critical and key approach to further discussion and understanding of the study´s results by taking into consideration the colonial past and persistence of the current powers. Colonial and imperial epistemology as previously mentioned were founded upon a racial categorization of the world's population and where

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[3] Mignolo, W. D. (2011). *The Darker Side of Western Modernity*

"those who made the classification put themselves at the top of Humanity" (Tlostanova & Mignolo, 2006, p. 206).

Critical Border Thinking or theorizing as authors Tlostanova & Mignolo (2006) proposed in Theorizing from the Borders, define critical border thinking as "the shift to Geo- and Body-Politics of Knowledge" (p. 206). In its core, **border thinking** stemmed as a counter response towards colonial/imperial, capitalistic, and territorial epistemological violence and "the rhetoric of modernity (and globalization) of salvation that continues to be implemented on the assumption of the inferiority or devilish intentions of the Other and, therefore, continues to justify oppression and exploitation as well as eradication of the difference" (Tlostanova & Mignolo, 2006, p. 206). In contrast with how usually and often the concept of border is associated as solely geographical definition, the critical border thinking theory broadens this logic. For instance it considers and recognizes border through geographical, political, cultural, linguistic, religious, epistemic and people prevalent implications (Tlostanova & Mignolo, 2006). Additionally, the critical border thinking, rejects the reducing down to sole universal consciousness. Instead as authors Tlostanova & Mignolo (2006) expressed "border thinking, that is, from shifting the geography of reason to geo- and body- politics of knowledge" (p. 210), where multiple and many worlds co-exist in inter-connectedness. In this regard the critical border thinking is a critical thinking which is "always pluri-topic" and not territorial or mono-topic (Tlostanova & Mignolo, 2006, p. 211).

The coloniality of knowledge, through imposition of hegemonic Eurocentric "modern" global policies and the infringement of being, strengthens the cultivation for critical border thinking. As Mignolo posits, critical border thinking is mandatory to synchronicity of local and indigenous forms of knowledge, living, and being which persistently was "pushed aside or buried in the past in order to make room for the triumphal march of modernity" (Mignolo, 2011, p. 206). Critical border thinking theory puts forward the "*thinking from the borders themselves*" which in itself means "re-writing geographic frontiers, imperial/colonial subjectivities and territorial epistemologies" (Tlostanova & Mignolo, 2006, p. 214). This is crucial since knowledge and subjectivities for so long have been and still are moulded by colonial and imperial understandings, which often reject the way "others" know and be, under an umbrella agenda of the "modern" world. Critical border thinking, thus, primarily stemming from people's resistance to imperialism and colonialism, is a response to the colonial distinction – a distinction where dominant narratives labeled "other" people as inferior while promoting their own geographical, historical, and social constructs as superior and exemplary(Tlostanova & Mignolo, 2006, p. 208). Moreover, in its core, border thinking rejects the "epistemic privilege – the privilege of an observer that makes the rest of the world an object of observation" (Tlostanova & Mignolo, 2006, p. 206). As authors Tlostanova & Mignolo (2006) also stress, the range of options for border thinking is truly extensive, yet they all share a common core thread which lies in the question:

"How do people in the world deal with Western economic, political and epistemic expansion if they do not want to assimilate but choose to imagine a future that is their own invention and not the invention of the empires, hegemonic or subaltern?" (p. 209).

Critical border thinking theory as part of the theoretical background enables for a critical approach towards the results of the current research project. The authors proposed it within the academic sphere of decolonial studies, thus providing a solid theoretical ground for critical thinking in terms of subaltern subjects. It is important to remark that within decolonial thinking, studies, and activisms there has been and still is a persistent effort for critical thinking and epistemological disengagement from colonial and hegemonic logic. Considering that the decolonial approach is complementary to the current research theoretical background, it is critical to consider that a much deeper analysis from decolonial and feminist perspectives must be applied to further research in this regard. However, as a researcher, it is fundamental to consider and to refer to the work of the author Gloria Anzaldúa[4] and the concept of – *"borderlands"* - proposed in her book Borderlands/La Frontera (1987) for enabling a deeper comprehension of decolonial epistemologies in regards to critical border thinking.

Complex systems theory in analysing child protection

Social policies and child protection systems within the post-soviet realm are characterized to be complex, due to a variety of dimensions: the structural violence, outside influence on domestic policies, reforms performed, institutional changes, etc., Coupling with border thinking theory previously mentioned, "**Complexity theory"** (Byrne, 2001) or also known as **complex systems theory** is presented as the main, principal and integral way of whole understanding and analysis applied within this thesis. The application of complexity theory in social policy and child protection systems is defined relevant by Payne (2005) as: "A systems approach alerts social workers to the possibility of alternative ways of achieving the same object (equi- and multi-finality). This reduces the stigma arising from the diversity of behaviour and social organization which some psychological theories that concentrate on normality and deviance tend to create" (p. 153).

The concept of complexity theory has been identified as the metatheory which comprises and incorporates an accumulation of different disciplines to offer new understandings of practice in a complex world (Stevens & Cox, 2007, p. 1321). Compared to general systems theory[5], complexity theory is applied to complex adaptive systems. That means, "the domain between linearly determined

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[4] Anzaldúa, G. (1987) *Borderlands/La Frontera: The New Mestiza.* San Francisco: Aunt Lute

[5] Bertalanffy L.V. (2017) The history and status of General Systems Theory - https://doi.org/10.5465/255139

order and indeterminate chaos" (Byrne, 2001, p. 1) which places the systems as open and dynamic wholes. Indeed **complexity theory** positions the systems as volatile, rejecting the reductionism and representation of an abstraction as a physical thing. Instead, it insists that emphasis should be placed on the "ever-changing nature of the system and asks for an intuitive approach as the practitioner comes to understand that they, too, are part of the complex adaptive system" (Stevens & Cox, 2007, p. 1323). Additionally, complexity theory puts forward the understanding and interpretation of the adaptive systems as a snapshot, subject to evolution and alterations over time. This indicates that the complex adaptive systems are *non-linear*, and therefore shift the paradigm into indicative reflection and interpretation rather than linear, predictive models of assessment (Stevens & Cox, 2007, p. 1324). Especially in child protection and social policy analysis, authors Stevens & Cox (2007), call for a complex systems approach, due to the fact that "residential care is currently based on linear models, which are inappropriate when dealing with the complex adaptive system of which the child and the practitioner are part. Individuals, not systems, are often identified as failing children. This is a linear outcome. What is needed in such investigations is recognition that the *entire system is a complex adaptive one* in which non-linearity is an inherent feature" (p. 1324). Together with the *non-linearity concept* which constitutes the complexity theory, Byrne (2001) has stated that "chaos theory, from which accounts of complexity have developed, deals exactly with *non-linear relations*, with changes which cannot be fitted into a simple linear law taking the form of statement of single cause and consequent effect." (p.5). Therefore, complex adaptive systems exhibit a discernible pattern from which a variety of potential outcomes can be inferred, though not precisely forecasted or predicted. It allows for a more extensive and comprehensive understanding and analysis of the child protection social policies and systems taking into account the entirety of the situation, and considering multiple aspects.

4. Methodology

Systems thinking approach towards child protection policy analysis

Systems thinking an as approach and discipline, underlies not just tools or methods of analysing a certain problem, but rather is viewed as an understanding of the interconnectedness of our world. This being said it recognises a "role of structure in creating the conditions we face; a recognition that there are powerful laws of systems operating that we are unaware of; a realization that there are consequences to our actions that we are oblivious to" (Goodman, 2016, p. 1). It shifts the paradigm from separate parts of the problem to recognising occurrences and experiences as a whole and inter-connected by acknowledging the structural and multifaceted complexity patterns of problems. In this manner, systems thinking moves towards circular and relational synthesis, by " wider philosophy on how to understand, be, and act in the world" (Johnson & Penn, 2022, p. 2)
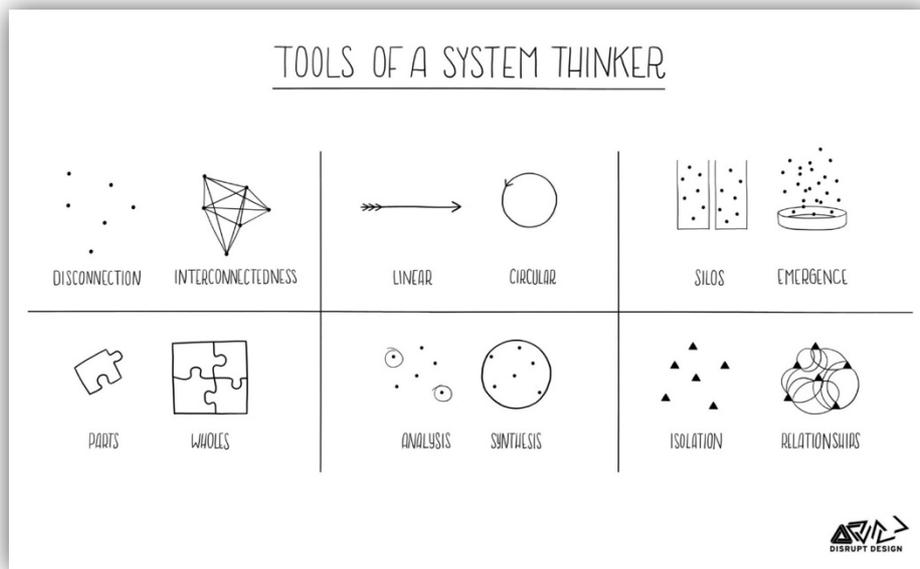
Figure 1: Tools of a systems thinker (2017). Author: Leyla Acaroglu – The 6 fundamental concepts of systems thinking

Fugure 1 (above), the six fundamental concepts of systems thinking by Acaroglu (2017) depicts in detail key principles and concepts of a system thinker. Together with the complexity theory mentioned previously, systems thinking allows for a comprehensive approach of synthesis when it comes to child protection system. For instance the social work, institutionalisation of children and their protection based on various, continually complex situations and problems, posits systems thinking as a necessity when it comes to policy analysis or child protection systems, due to the institutional structural and complex ground. That being said, systems thinking rejects linearity and opens up the space for a more extensive and profound exploration of systems which include structural and underlying setbacks, during the study of situations in which they commonly get overlooked. The latter is especially relevant

within the context of child protection and institutionalisation of children in Kyrgyzstan, where the research gap of systemic analysis, or better being said its absence, underlies the lack of thorough problem diagnosis and identification of gaps in the child protection system of Kyrgyzstan (Nordin, 2015). Thus, systems thinking methodology will facilitate systemic understanding of Kyrgyzstan´s governmental policies on institutional and residential orphanages in order to learn about different internal and external factors affecting the institutionalisation of children.

Methods of study and analysis

Thematic analysis as the method for social policy interpretation

Within the current work, taking into consideration the main objectives and research question put forward, an extensive analysis of two main policy documents established by Kyrgyzstan´s government was conducted. The first policy document selected for the analysis is the "Code of children"[6] which has been actively established as the state protection document since 2012 with several additions performed in 2020 as the latest and serves as the current viable policy. The "Code of children" comprises four main chapters: 1. General decree; 2. Organizational framework for the protection of children in a difficult life situation; 3. Features of children protection left without parental care 4. Justice for children. The second policy document reviewed is "Decree of the Government of the Kyrgyz Republic: on the approval of a typical provision on orphanages"[7]. One of the main reasons and rationalities to explore the above-mentioned documents comes down to their thorough covering of the factors concerning child protection and institutionalization within orphanages, focusing specifically on children themselves. Additionally, the coherence and comprehensive components of these two policies allowed to determine the factors and variables based on the research question *"How do Kyrgyzstan´s governmental policies provide protection towards vulnerable children? Whether or not these current policies reinforce the institutionalization of vulnerable children, while hindering the possibilities of a transition towards alternative forms of protection and care?"*

Thus, factoring in the research question posed above and bilingualism of the policies (Russian language) the qualitative six step thematic analysis, was selected as the primary research method. Since

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[6] The original document title is "Кодекс о детях" which was translated by the researcher into "Code of children"

[7] The original document title is "Постановление правительства Кыргызской Республики об утверждении типового положения о детских домах семейного типа" which was translated by the researcher into English language

the main objective of the thesis is systemic understanding of child protection policies on an institutional and state level, thematic analysis proposed by Braun & Clarke (2013) was selected as the most viable method due to its scope of systematically recognizing, classifying, and indicating the patterns which are essential to the complexity of policy designs in Kyrgyzstan. Moreover, this method was identified by authors Maguire & Delahut (2017) to be highly influential in the social sciences due to its clear, systematic, and practical framework. Spot-on this, the thematic analysis grants flexibility, non-linearity, and adaptability of appropriating the six-step framework for a thorough and comprehensive analysis of the policies, to avoid the gaps in identifying the factors, by shifting from one step to another, without necessarily and strictly following the order. Therefore six-step thematic analysis framework was applied following the next steps but not in strict order, but rather synchronously, as outlined by the authors Braun & Clarke (2013) based on "Code of children" and "Decree of the Government of the Kyrgyz Republic: on the approval of a typical provision on orphanages" policy documents to identify the themes and patterns.

Step 1: Become familiar with the data

The first step comprises familiarising with the data through reading, re-reading of the written text, contextualization and making of initial notes. For this step to be precise, the manual canvas with each chapter of the policy document was constructed based on the compilation of initial notes and highlights from both policy documents. The notes were all compiled and organized in Russian and Kyrgyz languages, due to the original nature of the policies´ language. The template of the canvas that was built and applied throughout the process of thematic analysis can be found in the annex 1.

Step 2 & 3: Generate initial codes and Search for themes

Coding and searching for themes means selecting and identifying every pattern that is relevant to the research question across the full dataset, in this case, the two policy documents. The initial codes, which can be formulated in a single word or phrase that encapsulates the essence of the subject and answer to the research question, were identified based on the repetition of patterns and after that transformed into initial themes. As authors Braun & Clarke (2013) stated themes encompass significant aspects of the data relevant to the research question, embodying discernible patterns or meaningful responses found throughout the dataset which constitute the deeper and broader meaning of code patterns. These two steps were conducted by utilizing the canvas template mentioned in the previous step and fulfilled manually due to the nature of the language.

Step 4 & 5: Review themes & Define themes

The particular codes and initial themes that were identified in the previous step based on the relevance of the research question were then reviewed for the repeating patterns and connotations by

using visualisation software Flourish[8] to review, rename, group, and in some cases discard (Braun & Clarke, 2013) some of the initial themes accordingly to define and finalize the table of themes derived from the policy documents and also identify the sub-themes under the main themes relevant alongside the research question. For a more systematic and structured visualisation of the themes and sub-themes, the software Miro[9] was incorporated.

Step 6: Write up

The last step required the compilation of the report and writing up part reporting the overall and entire thematic analysis table combining all the previous steps.

Semi-structured interviews with experts

Based on the fact that the child protection systems and institutionalisation in general and in Kyrgyzstan are complex and not linear, the importance of analysis and data collection in addition to the thematic analysis of two social policies mentioned previously is imperative. Moreover, it is fundamental to broaden the scope of understanding and learning by uncovering the policy implications on practice with the experts in the field to situate the problematics and explore answers based on the objectives and research questions posed. Thus, conducting semi-structured interviews (Galletta, 2013) with experts who are part of the system and subject to policy nuances, makes it an indispensable factor in the systemic synthesis of child protection factors in Kyrgyzstan on multiple layers. One of the main objectives for conducting semi-structured interviews derives from the vulnerability and multiplicity of child protection and primarily institutionalisation of children in orphanage residencies. For this, it allows for reciprocity between the interviewer and interviewee where participants are considered experts of knowledge, and each of the perspectives is regarded as profoundly valid (Galletta, 2013). That being the case, the semi-structured interviews encourage and allow for a two-sided dialogue and discussion. Especially when it comes down to the flexibility and adaptability of this interview method at the core of questions being open-ended by reformulating, modifying, and additionally follow-upping based on the situation and continuity of communication. The role of the interviewer therefore grounds in active listening and immersion in what is being said without the imposition of own ideas. Moreover, semi-structured interviews with open-ended questions foster elaboration and expansion of notions and meanings of the messages stated by the experts (Galletta, 2013). Considering the complexity and sensitivity of the topic and geographic constraints, online semi-structured interviews permit a more empathetic and non-extractive way of collecting perspectives by elucidation in which experts and

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[8] https://flourish.studio

[9] https://miro.com/app/dashboard/

interviewees can delve into critical understanding and depth investigation of the problematics that usually may have been or still is overlooked. The questions of the interviews are based on an open-ended format basing itself on the themes derived from the policy analysis, to foster a more comprehensive and extensive understanding on institutionalisation of children and also open up a space to unveil alternative ways of protection that may exist in the field already but due to various internal and external factors unacknowledged.

The analysis of semi-structured interviews are utilized through thematic analysis Braun & Clarke (2013) in the same techniques as policy documents were executed. The initial codes and themes were identified from audio files and translated into English language, since the original language of interviews was Kyrgyz and Russian languages. The thematic analysis of semi-structured interviews based on the objective and research question is intended to bring in all remaining yet significant factors of policies in practice, alternative ways of protection, and also systemic understanding of the situation as a whole, which is essential in problem diagnosis. Thematic analysis of semi-structured interviews was similarly implemented to aim for continuity of the themes within the policy analysis to systemically find answers to the research question on whether or not the policies reinforce the institutionalisation of children in orphanage residencies and what could be the alternatives of care. Further on, themes were then translated into variables and incorporated into a Causal Loop Diagram(CLD).

Purposive sampling

Due to the sensitivity and specificity of the subject, the purposive sampling (Mack, Woodsong & et.al., 2005) was chosen as the most suitable option for participants recruitment. The previously conducted thematic analysis of the policies provided ground for contextual understanding of the subject in order to incorporate experts from non-governmental organisations who are involved in the field with children and are subject to policy regulations to learn from them and their experiences. Therefore, six different organisations were chosen and representatives were contacted through email and social media platforms. All organisations are directly involved with vulnerable children but are not limited to. They are also engaged and engrossed with institutionalised children in orphanage residencies and the consequences of the aforementioned practice.

Considerations

Recognising the sensitivity and complexity of the subject, specifically tailored guidelines were developed for the semi-structured interviews and the data collected. The guideline includes the following significant factors:
- Initial synopsis discussion of the objectives and aim of the study with the participants

- Written consent form for inclusive and informed participation.

- Written instructions of interview procedure, which would not last longer than an hour and participants have a full right to leave at any time, especially if they feel discomfort.

- Guarantee of full anonymity and adoption of pseudonyms/nicknames that participants disclose in a written consent form.

- Recordings including audio and video content will not be publicly released and will remain confidential.

Systems map building and causal loop diagrams

Connecting the dots based on the objectives and research question, the systemic analysis of policy documents synthesis into themes and semi-structured interviews are performed through Causal Loop Diagrams (CLD) (Johnson & Penn, 2022). One of the main reasons for connecting the dots into a systems map lies in finding out the connections and dynamics of previously analysed policy documents and factors derived from interviews within the governmental child protection and orphanage institution systems to answer the main research question: *"Whether or not the policies reinforce the institutionalization of vulnerable children while hindering the possibilities of a transition towards alternative forms of protection and care?"*

Thus it is crucial to integrate the broader perspective of the residential institutions, practices on protection of vulnerable children, the underlying discourse of policies and practices on the field and various further considerations. Therefore, the causal loop diagram method is selected as the most comprehensive way of synthesis since it "focuses on feedback as a key component and organizing structure for complex systems but also brings the ability to include all sorts of concepts and variables. This means it can facilitate the production of focused maps, which strongly hint at the dynamics of systems, but also much larger inclusive ones, which allow us to see the big picture and the interconnected nature of systems" (Johnson & Penn, 2022, p. 48). Causality in systems mapping, specifically in causal loop diagrams posits the opportunity to understand and interpret various and multidimensional ways of connections, reinforcements, and influences of factors towards each other within a system. It allows for gathering insights not only linearity of cause and effect but also into how one variable results in many other units. Since the goal and objectives lie in a systemic understanding of multiple factors considering the protection of vulnerable children, their institutionalisation and alternatives based on the state policies and experts on field practices, it is imperative to map the variables to then identify potentially reinforcing loops. The themes from both the policies and

interviews are transformed into quantifiable variables (factors) to then connect them according to the research question on the software Kumu[10] to visually represent the whole map.

Ethical implications

One of the main ethical implications to be taken into account during the whole study and data collected was the confidentiality and anonymity of participants. It is grounded in the new restrictive legislation undertaken by the government of Kyrgyzstan in 2024, which identifies non-governmental organisations as foreign agents or more precisely defined as "Foreign Representatives"[11]. The representatives of the NGO sector who were primarily the participants of the interviews and contributors of the current study expressed their concern and distress into the data collected to remain undisclosed and private. Thus, the audio and video recordings will be preserved under the provision of researcher and deleted by August 30th including transcripts of audio´s in Kyrgyz and Russian languages which will not be open for unrestricted access. Excerpts from interviews corresponding to the research objective and question are translated into English language by the researcher in a transparent way by applying the provided pseudonyms/nicknames of participants. Moreover, despite the majority of authors outlining that there is a necessity to explore root causes of vulnerable children eventuating in institutional residencies, it was an ethical decision to leave out children themselves of the study. Stemming from the background and possibility of extractivist practices, the current space is not suitable nor ethical for vulnerable children to be positioned as an "object" of study. Even though social policies directly impact vulnerable children, the scope of the study is to direct the effort to collaborate with organisations working in the field was determined as the most appropriate.

Benefits and drawbacks of the research

The systemic analysis on social policies regarding vulnerable children protection and institutionalisation, together with the interviews pinpoint significant gaps and overlooks at first hand in the state policies. It also allows to comprehend the broader context and determine factors that may be hindering informal alternative forms of care and protection. Above all, the current document will facilitate systematized collection of vital insights and critical takeaways to be enacted and applied in the current child protection policies. In a way, this document serves as a reflection of two policy

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[10] https://kumu.io

[11] Kyrgyzstan: Highly restrictive NGO legislation passed by parliament must be vetoed. (2024, March 14). Amnesty International. https://www.amnesty.org/en/latest/news/2024/03/kyrgyzstan-highly-restrictive-ngo-legislation-passed-by-parliament-must-be-vetoed/

documents from 2015 to the present, encapsulated together with an abundance of practical knowledge and experiential wisdom from participants, which can be further elaborated and enhanced.

The main drawbacks include factors such as time and geographic location of the researcher which limited the opportunity to meet with the representatives of non-governmental organisations on the field. Moreover, it delimited the prospect of involving with state policy representatives to be engaged in a dialogue.

5. Results discussion and insights

Analysis

This chapter unveils the main results of the analysis process on two main policy documents on institutionalisation of vulnerable children: "Code of children" and "Decree of the Government of the Kyrgyz Republic: on the approval of a typical provision on orphanages" together with the experts' practices and perspectives derived from semi-structured interviews. Within the process of analysing policies the initial amount of 176 codes were identified guided by the main research question to detect the factors of vulnerable children protection and institutionalisation in orphanage residencies. The initial codes were then reformulated into initial themes which encapsulated the total amount of 59 based on the repetition of patterns mentioned in the policy documents. Since some of the initial themes had similar or resembling connotations recompositing of final themes consisted of six central factors incorporated in the discussion to elaborate on indications thoroughly. The themes derived from the interviews which constitute seven main factors illustrate critical factors pointing at problematics within the policies, practice, and external actors involvement in designing the policy reforms. The identified main themes from both policies and interviews were then reformulated under five main categories for a systemic understanding of the themes and factors in the protection of vulnerable children and orphanage institutionalisation.

Therefore, the discussion together with the analysis of the results follow through five main categories identified based on the final themes: *Intra-institution partnership, Familialisation, Notion of vulnerability, Comprehensive child development, and Alternative protection and care.* Each of the categories comprises the unveiling of themes from the policies and interviews and findings in interlinked, contrasting, and in some ways contradicting manner. Next chapter comprehensively introduces and elaborates on the discussion of results and insights identified following the aforementioned five main categories. This enables a comprehensive systemic understanding of the measures available to vulnerable children´s protection and care from two different institutions: the state and non-governmental organizations. It also examines how problematic factors contribute to the reinforcing placement of vulnerable children at institutional orphanages.

The last part of the analysis resulted in identifying six reinforcing causal loop diagrams within the boundary of the main research question on "whether or not the government social policies reinforce the institutionalisation of children?" accompanied by the existing alternative forms of protection and care from the perspectives of the experts interviewed.

The access to the canvases utilized for the policy analysis, the interview questions form as well as the final full causal loop diagram can be accessed through the annex of this current document.

Protection of vulnerable children in Policy and Practice

Intra-institution partnership

Partnership and de-centralisation

The "Code of Children"[12] established in 2012 with current updates in 2020 is a sole and central social policy document developed in the country for a year and a half with the assistance of UNICEF that delineates the protection of vulnerable children and those in difficult life situations. It encompasses implications for the measures and conditions of orphanage institutionalization by positing the state as the primary provider of protection. In addition, it ensures fundamental protections for the rights and legitimate interests of children as outlined in the Constitution of the Kyrgyz Republic. In achieving that objective several ministries and local executive bodies have been assigned as the key responsible figures: the government of Kyrgyzstan, local state administrations, executive bodies of local government, executive bodies of the court and prosecutor's office and Akyikatchy (Ombudsman).

Due to complexity within child protection systems (Stevens & Cox, 2007) the social policy outlines the emphasis on de-centralisation and collaboration with other institutions in the form of non-governmental organisations. The highlight of such partnership lies not only in the identification of vulnerable children but also on institutionalisation practices, and predominantly on de-institutionalisation of children from orphanage residencies. According to Article 5. on Code of Children of Kyrgyzstan dated 2020 No. 100 states:

> "Decentralization of child protection services, **ensuring partnership** between state and **non-state institutions** in the protection of children's rights and interests" (p. 7).

The above mentioned is especially significant when it comes to de-institutionalisation and cultivating foster family practices as one of the measures of protecting vulnerable children. According to Article 81. on Code of Children of Kyrgyzstan dated 2020 No. 100 declares the following:

> "**Assessment, training, approval, accompaniment and support of foster families** are carried out by the authorized child protection agencies. In carrying out its activities, the authorized child protection agency may engage an independent experts and **non-profit organizations** on a contractual basis" (p. 56)

Moreover, on the collaborative and partnership scope with non-governmental institutions, the social policy outlined its focus on consultatory and funding support. Meanwhile funding support is

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[12] https://cbd.minjust.gov.kg/203700/edition/1208810/ru

directed mostly only towards state-approved project protocols, the consultatory support is structured as contributing with guidance, methodological support to regional divisions of the authorized child protection agency, local authorities, and other organizations involved in safeguarding children facing difficult life circumstances or also referred to as children in difficult life situations. (Code of Children, 2020, p. 19).

The outlines of collaborative practices discourse within the policy document imply a *"relationship"* (Acaroglu, 2017) in partnership for instance in handling the challenge. It is also imperative to note from preceding notions within partnership towards protection of children, only formal institutions are granted legitimacy. Thus the next theme will follow the perceptions of experts from NGO's to learn about the partnership with state authorities in protection of vulnerable children as well as institutionalisation and de-institutionalisation connections in practice, to situate the *"theoretical relationship"* notion written on policy paper with the reality, which allows for a more comprehensive and systemic understanding of certain concepts.

One head as a whole system

When interviewing experts from various organisations on partnership and collaboration with the government representatives differing perspectives emerged on the surface. The hierarchical systemic strategy is the actuality when it comes to partnership with non-governmental organisations or other formal institutions, unless the personal interests of the state executives are aligned with the organisation representatives. Further expanding several experts[13] highlighted the fact that when it comes to an attempt at systemic collaboration with the government bodies, they face with the phenomena of "one head as a whole system."

> "In our governmental system, the representatives sitting there do not treat the collaboration of protecting vulnerable children as a unified challenge and part of a whole. Instead **the system is treated as one head on top**, who decides on behalf of everyone. But when that head gets fired, another head with their own views and understandings begin **the process of ruling** again. It is just a very **top-down approach**" *(Anara)*

> "Instead of actually placing the needs and hurdles of children at the centre of attention, some government representatives **place their personal interests, grudges and ways of doing**

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[13] The pseudonyms and nicknames in each of the quotes were chosen by the participants through the consent form

instead of opening the door for us, when all we want to do is work towards their goals. Work for children and their safety" *(Ainura)*

The top-down approach together with extremely hierarchical structures within the state systems the experts Anara and Ainura have expressed, posit the notion of holding institutional power where the organisations depend on the legitimacy of decisions and social policy narratives towards their work with vulnerable children. "It is easy to see that these most common of democratic institutions are often *not cooperative* or mutually beneficial for many of the people affected by them. They involve the exercise of power." (Moe, 2005). The misuse of the power by the state, posits the lack of equally distributed management and relationship-based practice (Cooper, Hetherington, & Katz, 2003). Moreover the problem of government executives lacking coordination or collaboration between themselves (Kim, 2022), depicted in the form of the ministries and local state bodies also directs attention to partnership discourses with other institutions built based on personal preferences. The top-down approach with "one head at the top" relationship is also present when it comes to social policy reforms that concern directly vulnerable children and their institutionalisation in orphanage residencies. Due to complexity and chaotic volatility of child protection systems, the reforms undertaken with the participation of external actors concerning the de-institutionalisation of orphanage residencies is a fundamental step in systemic understanding of the whole, which follows next.

Exclusivism of voices in decision-making: Imposition of the "OP" plan

The "Optimization Plan on the Management and Financing of Residential Care Institutions for 2013-2016 (OP)," developed in collaboration with representatives from the European Delegation and UNICEF, has highlighted significant issues. The OP plan was established under several motifs which was conditioned to be the main prerequisite in allocating the funding. The main were: 1) "accommodate children with the right to live and be raised in a family environment, in accordance to the UNCRC; 2) To enhance budget efficiency by reallocating the financial and human resources of boarding institutions towards the development of local social services" (Nordin, 2015, p. 16). What initially appears to be a great solution to the problem of institutional orphanages, had major underlying implications. Majority of experts shared their perspectives into expressing that the OP plan was an imposed model from external actors who had their own political interests at stake and outside influence on domestic policies without any contextual, including socio-economic-cultural-historical aspects of children and the country. Moreover they expressed that their voices were excluded from crucial decision making processes of such reforms.

"With the De-institutionalisation plan, **the increasingly rapid closing down of the orphanage institutions** took place all over the country. This model was what the EU outlined in their plan just because they **demonized the orphanages**. Of course, there was and still is a

need to work with vulnerability and risks of children getting abandoned. But it is more **structural and systemic**. It doesn´t lie in closing the place where they were staying and residing. Well, guess what now? All of these children back then didn't have any other place to stay and do you think they do now? Just because the **imposed EU model** of closing down the orphanages proved that there are **no more orphanage residencies**, doesn't mean that the are **no vulnerable children existing anymore**. It is worse now, because all of them are **on the streets instead**" *(Ainura)*

"People, including first of all children and families **were not ready yet** for such a big decision. The contextual situation of our country is very different to what the de-institutionalisation plan somewhere in Europe is like. The **gradual transition didn't happen** and the concept of foster families was something **foreign**" *(Mira)*

"There was no contextual, situational analysis whatsoever **nor the model adaptation** before conceptualising and only then implementing the DI plan. Instead the Eurocentric rhetoric was situated as in *"we are from first-world country, we will teach you our best practices and show how it should be done, you will learn what real development is".* So the practices, expertise and knowledges of our local initiatives who have been working within protecting children were excluded. **Our voices were excluded** in such a big decision making process, the outcomes of which we are still dealing with" *(Meerim)*

"With the imposed EU model on de-institutionalisation, the public orphanage residencies went under closing down one after another. That was their condition of grant allocation. It is no wonder how external actors played on **the socio-economic vulnerability** of our country which the state took to implement. But let´s not also forget that **external representatives took active part in conceptualisation part of the OP** and DI model." *(Anara)*

"The public orphanages almost all got closed down and now we face with **hidden homelessness.** Children are on the streets, even more at risk and even more marginalised because no one monitors them until they face with the dangerous situation. The hidden homelessness made them **even more invisible in the society**. Before at least we could monitor and collect data by providing direct support." *(Ainura)*

As it was mentioned at the beginning part of this research, the de-institutionalisation model and practice is deeply rooted and originates from the West. In its core essence it bases itself on driving principles of "world global policy", meaning that external policies originating in *"first world country"* are imposed to achieve development and expansion of modernity in a "lesser" countries (Ulybina, 2022). Consequently those "internationally" recognised ideologies and provisions which are legitimised by powerful actors or in the form of powerful actor themselves influence the formation or reformation of certain social policies. In this case child protection policy, with a specific agenda, omitting the consideration of targeted countries´ contextual implications. For instance, the de-institutionalisation and OP plan is one of the examples that "penetrate nation-states and may lead to major institutional and policy changes. National policies are thus not necessarily a reflection of domestic circumstances but rather the incorporation of external social constructs, policy models that are internationally perceived as appropriate, often irrespective of major differences in national resources, institutions, and traditions." (Ulybina, 2022, p. 131).

As Ainura and Mira expressed from their experiences and perspectives, the counterproductive outcomes of OP plan didn't consider the gradual transition into alternative forms of care. Instead the children who are the central focus of the vulnerability, became even more marginalised and at risk situations of invisible homelessness which is scarcely monitored nor documented. From their perspective, a more systemic and structural change within the whole child protection system is important instead of reductionist, cause-and-effect approach of shutting down the orphanage institutions.

The Eurocentric approach of the OP plan, as Meerim has pointed out on the rhetoric of "first world" and "third world" postulates the border divisions (Tlostlanova & Mignolo, 2006), where the West positions itself at the centre and on top of "others". A common critique of international law is that it has spread the Eurocentric model of knowledge widely, elevating and endorsing particular Western practices and perspectives (Imani, 2008, p. 276). As a result this has led to the imposition of "legitimized" frameworks as in the OP plan mentioned above, within which the knowledge and understandings are "deemed acceptable within the Eurocentric realm" (Faulkner & Nyamutata, 2020). Under this notion the contextual local knowledge rejection and exclusion, for the sake of "modernisation" and "development" within child protection social policies, emphasizes the imperial and colonial practices of knowledge imposition, through hegemonic Eurocentric "modern" global policies and the infringement of being (Tlostlanova & Mignolo, 2006). Furthermore the exclusion of expert´s voices, who are directly involved in protection of vulnerable children and the voices of children themselves in decision making of the OP plan execution and lack of model re-adaptation which influenced their lives directly, posits the dominant epistemological power of external actors. On this Fujita (2020) has outlined how often the foreign representatives holding power and hence the state

reinforcing that, are appraised in light of "experts in the field given a better position in the decision-making process and locally hired employees are mere 'field assistants." (p.15). They are excluded from decision-making, and access to certain crucial information extracted from the field of their work at the first place. Moreover the absence of being recognized as experts with their own situated knowledge who have to be engaged in the decision-making processes is observed.

These notions direct attention to the complexity of intra-institutional partnerships within the child protection system due to external interventions, forced transitions to reach "modernisation" which resulted in counterproductive outcomes putting already vulnerable children at more marginalisation, scarcity and invisibility. Stressing on this, some of the experts have emphasized that the imposition of OP plan, resulted also in the reinforcing of privatisation of orphanage residencies where vulnerable children are seeking for a placement due to previous displacement. Moreover it points at problematics in the exclusion of children in the process, the absence of OP model adaptation coupled with lack of deep situational, contextual, historical and socio-cultural analysis.

Foreign agent law uncertainty

Adding up on intra-institutional partnerships entanglements, the recent provision on "foreign law" [14] that was signed and accepted without debate on April 2nd, 2024 by the government of Kyrgyzstan refers to non-governmental organisations as "foreign representatives." This claims that activities carried out by non-commercial and non-governmental organisations are profiled as those carried out by foreign representatives. One of the core and key factors indicated within this current new law is that if the organisations take part in activities considered political, they may face the ceasing of their work and termination. Moreover, there are conditions of comprehensive audits and financial inspections for transparency in foreign donor funding including multilevel bureaucratic processes. Experts Mira and Ainura have put forward their perspectives on the new law mostly by feeling uncertainty and stigmatization in society.

> "We are not scared of transparency and audits including reports for all our previous projects. What concerns us more **is the political activity prohibition** and **the uncertainty** as to what will be considered political and not. We protect and advocate for the rights of vulnerable children. We constantly fight to eradicate the non-compliance of the state within their

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[14] The detailed information can be read through here - https://thediplomat.com/2024/04/kyrgyzstan-adopts-law-targeting-foreign-funded-ngos/

responsibilities to protect and support children. So we feel very **uncertain, pressured and tied in our necks.** We don't know and can't predict what will happen. " *(Mira)*

"To be honest we are already caring a lot of responsibility on our shoulders. The new law on foreign agents is **stigmatising our organisations** in the society. It is very worrying, because we have been trying to build the relationship and trust with citizens for so long especially in working and identifying vulnerable children within the communities. So, for us this **stigmatisation feels like disregarding** of all the efforts we have been putting for so long."

(Ainura)

The partnership relationship establishments and power distributions in decision making are important to look at to picture the systems that impact directly the formation and legitimation of social policies concerning children. The aforementioned parts of each theme illustrate tensions between different institutions, top-down approaches, and colonial imposition by placing the support of children as last resort and pointing again at the lack of streamlined institutional processes within the state authorities and non-governmental organisations adding up the pressure from external representatives. These insights are offered to point out at how the protection systems and measures under these partnership structures are designed for the care and support of vulnerable children in Kyrgyzstan. Especially based on the types of principles they have outlined to understand what options are available for children towards their safety.

Familialisation

Familialisation as a focal point

From the initial page of the policy document "Code of Children", one of the main priorities as a mean of child protection is provided through "familialisation", which posits the principle: *in the best interests of the family and the child* by putting the family representatives (biological parents) as separate from the child and as the main core of protection:

> "Bringing up of a child in the family is recognized as a priority and relevant interests of the child…" (Code of Children, 2020, p. 8).

The families (biological parents) that undergo and are defined/identified by the state policies as "in difficult life situation" are allocated with several measures of services: including financial, psychological, juridical, and individual work plans oriented towards the family. The difficult life situation to which families may be the subject of is defined in the policy document "Code of children" (2020) as: "a situation that objectively violates the life of a citizen (disability, inability to self-service in connection with advanced age or illness, orphanhood, neglect, low-income, unemployment, lack of a certain place of residence, conflicts and cruelty to the family, loneliness, etc.) as well as moral and psychological state, associated with the inability to independently overcome this situation" (p. 4).

Building upon measures of protection and care of families in difficult life situations, vulnerable children who are in difficult life situations are prone to receive state-provided services and necessary support through assistance in their rearing, well-being, and prevention of separation from their families. Moreover, this type of protection considers enhancing parenting skills by: "foster a positive societal attitude towards children and families, and reinforces the responsibility for child protection" (Code of Children, 2020, p. 4). Familialisation and services of reintegration into families are one of the primary ways of vulnerable children protection derived from the current social policy analysis, which emphasizes the objectives and preferences of interests directed greater towards the parents than the child. This does not imply that directing efforts toward parents is incorrect; on the contrary, it is valuable that policies are engaging with both parents and children. However, the problem lies in the assumption that the aforementioned services provided to the family consequently address the concerns of vulnerable children directly. The adult-centered approach diminishes children politically and "positions children as subaltern agents in the political order of different societies, although children's contributions to the collective wealth, the physical and emotional well-being of collectivities, and the construction of cultural worlds have been extensively documented" (Castro, 2021, p. 2481). This results in putting the actual needs and necessities of vulnerable children in jeopardy and as "of being subsumed by the needs and interests of the family and of the state" (Ridge, Alcock, Haux, & et.al., 2016, p. 420). Moreover,

the individual work plan suggested through social policies as the primary way of vulnerable children protection which is oriented towards adults and parents to withhold the family and the child in it depicts how the child is seen in society. To be precise the "fundamental issue of whether children are seen as a private good or whether society has a legitimate collective interest in investing in them and ensuring their well-being" (Ridge, Alcock, Haux, & et.al., 2016, p. 420). This depicts the well-being of vulnerable children through the prism of the "wellness" of a family (biological parents) having a satisfactory effect on children.

Child as a capable being

On the contrary with how the policies depict the well-being of vulnerable children, the concept of a child is viewed as "already capable" and "knowing" within the perspectives of experts interviewed. In addressing the needs and necessities of vulnerable children or endangered children, the focus is placed on considering the child as a part of the "whole collective" and responding by placing the child prioritised position. This meaning that parents, state, and other beneficiaries are placed as complementary and additional to the wholeness in tackling the hurdles of children where the provisions are based on situated needs assessments by calling for a shift in family-oriented approaches.

> "To perceive the child as a human being with their **own opinions, views, emotions, knowledge**. Instead of the attitude on the part of the family and the state where their stand position follows the example of: I gave birth to you, so do as I want, it is necessary to have the opposite attitude of support, where the **family plays as a supportive space** " *(Cholpon)*

> "It is important for us to utilize a **peer-to-peer system** when it comes to children and parents. We first conduct projects aimed at the children themselves, and then involve parents at the community level on **non-violent parenthood** so that the outcome and effect is on the **supportive level towards children's well-being** in the first place" *(Mira)*

> "The children who are **victims of family abuse and violence getting "re-integrated"** back into those families without deep situational analysis. How this can be considered as children´s **"well-being"?** " *(Mira)*

Mira and Cholpon have underscored the significance of re-evaluating the emphasis on familialisation as posited within the social policy principle. They have stressed the necessity of

prioritizing the needs and interests of children by advocating for a shift in the role of the family from being the central authority to acting as a supportive, additional component within a larger, whole system. This approach views the family not as the primary entity, but as an integral part of a comprehensive support network. Within this notion, the well-being of vulnerable children is defined through the needs assessment and child-centered approach of those receiving support and shifting the paradigm into the establishment of child safety and non-violent parenthood to ensure there is no backing reinforcement of a child at risk in a place of family violence. Moreover, situating the problematics and positioning oneself in child protection and care should be rejected from evaluation and view where "children's identity has been constructed as what the adult is not: irrational, immature, dependent, impulsive" (Castro, 2021, p. 2490).

Notion of Vulnerability

Identification and fulfilment of basic rights

If in the previously mentioned part, the familialisation notion was the central model of children's well-being, it is now critical to draw attention to the schemes and protocols of children's rights identification and its fulfilment within the social policy outline. According to the "Code of Children", the assigned ministries or local executive bodies have the objective of accomplishing the set of basic rights with children in difficult life situations and vulnerability. The constructs of what is understood as "basic rights" are anchored around putting the interests of children first which considers access to state public services in the forms of educational, health, and juridical support as well as the prohibition of any form of discrimination, the right for a child to express their opinions concerning the matter of decision making pertinent to their lives, leisure, and protection against all forms of violence (Code of Children, 2020, p. 4). Further scope of basic rights includes inadmissibility of child labour and sexual exploitation causing physical and mental harm, prevention of separation of a child from their family, providing stability and continuity of bringing up and educational fostering by the government administering the maintenance, upbringing, and education of orphans and children left without parental care as well as financial subsidiaries and housing allocation provisions.[15]

The preventative measures of child abuse are also identified as the basic right of vulnerable children left without parental care or children in difficult life situations. The series of mentioned basic rights that vulnerable children in difficult life situations uphold based on the social policy are to be fulfilled by the ministries and local executive bodies in forms of: Ministry of Education and Science, the Ministry of Health, the Ministry of Social Development, the Ministry of Internal Affairs, the Ministry of Labour, Social Security and Migration, local governments, courts, Prosecutor's office, and Ombudsman office. The identification of violation of children´s rights is under the responsibility of latterly mentioned bodies which is undertaken directly on the field or in indirect cases that positions the determination of children in difficult life situations. One of the modes of identification is also posited around the neighbouring community in case of detecting family or child in difficult life situations or violations to address the local executive bodies. In fulfilling the basic rights of children in difficult life situations the list of these notions are set according to the Article 26 & 27 on Code of Children of Kyrgyzstan dated 2020 No. 100 states:

- identification of a child in difficult situations;

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[15] Extract from Code of Children of Kyrgyzstan dating from 2012 to 2020

- a comprehensive assessment of the situation of the family (an individual work plan with the family);
- outlining the measures to protect the child (individual plan for the protection of the child);
- establishing and implementation of planned measures on the protection of children and families in difficult situations;
- Monitoring the continuity and future life of the child;
- Provision of identifying and placement of a child in orphanage residencies

The measures outlined towards fulfilling and identifying the violation of basic rights of vulnerable children have defined comprehensive activities towards protection within social policy. However, when it comes to identifying who is considered to be in difficult life situations and who passes the bar of vulnerability for their rights to be fulfilled and sustained arises questions and some opposed contradictions as to what is outlined and written in the policies. One of the prominent discrepancies, for instance, considers the children expression of opinion concerning the matter of decision-making pertinent to their lives. According to Article 11. on the Code of Children of Kyrgyzstan dated 2020 No. 100 states that "the action of a child's right to express their opinion *can be subjected* to restrictions only in cases provided by law in order *to respect the rights and reputation of other persons*, as well as the protection of state security, public order, health and morality of the population of the Kyrgyz Republic" and "taking into account the opinion of the child *in accordance with their age and maturity*" (p. 11). The discriminatory and unequal inclusion of children's voices direct the attention of how the state based on "morality, reputation, and public order" applies the perception of vulnerable children and young people as "unable, passive and voiceless" (Pincock & Jones, 2020, p. 2). This comparison between adults and child reinforces the power hierarchies which legitimizes itself on the basis of "age" and "maturity" to then exclude involvement of children´s decision making by further marginalisation. The vulnerability and experiences of children whose rights have been violated are usually also excluded to prevent further traumatisation, but that does not ensure that children being detached on their life course decisions will not encounter the same cycle of abuse. "Simply seeking to engage with "adolescents" as a group may miss important vectors of marginalization, allowing only certain views and experiences to be represented" (Pincock & Jones, 2020, p. 3). Those holding more power could foster the creation of a safe space for vulnerable children, who already have voices and valid opinions of lived experiences, through listening and acting accordingly.

Classifying of vulnerability

The importance of defining the notion of vulnerability per the social policies outlined moves to delve into the degrees of basic rights fulfilment and the legal legitimisation of who may be receiving

certain public services. The concept of – vulnerable children – understood by the state is operated through categorisation of children into groups and labels with each receiving different levels of provisions and protection. Children considered vulnerable and in difficult life situations comprise of the following according to the Article 5. on Code of Children of Kyrgyzstan dated 2020 No. 100: **children left without parental care** (due to parents being imprisoned, one of the parents passing away or restriction of parental rights, unknown, under medical supervisions´ incapacitation and evasion of parents from looking after their children); **orphaned children** (whose both parents are not alive); ***beznadzornyi* child** (a child whose behaviour is not controlled due to non-fulfillment or improper fulfillment or evasion of duties for the maintenance and upbringing from legal representatives); ***besprizornyi* child** (a child who doesn't have a specific place of residence and (or) stay); **children with limited opportunities of health; children in conflict with law; victims of violence or crime; children in conflict and emergency zones.**

Within these categories, children are identified as vulnerable and in difficult life situations. The provision and fulfilment of their rights thus is also categorized. In order to receive access to certain public services including housing, juridical or financial subsidiaries children have to be classified and catalogued under one of these categories. The problem occurs when children have to prove and go under bureaucratic procedures to illustrate that their parents are unknown to be identified and categorised as vulnerable or in difficult life situations. Moreover the simplistic and reductionist notion of legitimising certain categories under "vulnerable enough" and "in a difficult life situation" divides the degree to receive protection under the government. For instance, children who are in the category *beznadzornyi* who may be subject to child exploitation or sexual abuse and face displacement as a result will not be able to receive support in housing services because the prerequisites enabling sheltering or housing fall under the category of being classified as orphans or children without parental care. What's more alarming is that some of the non-governmental organisations actors interviewed operate their activities within the outlines of policies categorisation and classification of vulnerability by reinforcing the structuralism of the problematic. The issue lies in the reductionist and essentialist definition of vulnerability which excludes gender perspective within the policies and a significant lack of *intersectionality*[16]. Vulnerability and difficult life situations cross-cut by means of "intersections between gender, ethnicity, sexuality, class, age, religion, ability or nationality" (Zárate, 2016, p. 25). In

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[16] Direct quotation: "Black feminists introduced and called for in intersectionality by showing a need for understanding multiple categories, such as race, gender, class and sexuality, not as separate, but as related to each other" (Zárate, 2016, p. 29).

understanding children, young people and their situations involving vulnerability, a multi-layered and pluralistic approach to identification is necessary (Zárate, 2016) while taking into account the power structures and oppressive ways that formulate, affect, and then legitimise those divided notions of vulnerability without considering the interconnectedness of them with each other.

Universalisation of difficult life situation(s)

The lack of intersectionality and gender-based perspectives within social policies is also prevalent when it comes to the definitions of difficult life situations. Considering difficult life situations that children encounter in their path, based on the previously mentioned definition of such within the *"Familialisation"* category, some of the interviewed experts have shared their concerns emphasizing on universalisation of determining and recognising difficult life situations that children and families experience.

"Difficult life situations are often **emphasized and touched upon the problems of poverty**. The socio-economic poverty. That is recognised as difficult life situation. But other underlying issues in the **form of migration or violence that women and girls are victims of is not considered as difficult life situation**" *(Mira)*

"Considering difficult life situations where poverty is the defining factor and then not recognising other problems **that do not have to do with materialistic things** are not considered as the circumstance of difficult life situation. It is problematic because other systemic problems are then **overlooked and not legitimized**" *(Zeynep)*

As Zeynep and Mira have emphasized the term difficult life situation is often equated to the socio-economic state of families which overlooks and reduces the multi-dimensionality of issues and challenges that children and families face with.

Placement of vulnerable children

According to Code of Children and Decree of the Government of the Kyrgyz Republic on the approval of a typical regulation on family-type orphanages, vulnerable children classified and categorised as orphans or children left without parental care face with several measures and ways of placement depending on their age, situation of life and family (biological parents) status basis. One of the primary measures that the local executive bodies perform when the child is identified as in difficult life situation, within the family unit, they are to be removed from there to a temporary living residence

up to 3 working days.[17] During which the individual work plan directed towards the family and a child is thoroughly developed. The goal of the individual work plan in this context is the reintegration and re-unification of a child back in the family from where they were initially removed. This type of provision is assigned to children who have parents. However, children left without parental care or orphans face with another way of placement, which involves temporary placement up to 6 months. During that period of time local executive bodies are obliged to assign the guardianship/trusteeship measures that could be the relatives of a child or another citizen who aligns with the prerequisites outlined within the policy. According to Article 48. on Code of Children of Kyrgyzstan dated 2020 No. 100, guardianship is not possible if these requirements are met: the person is categorised as incompetent or limitedly capable by the court officials or if one of the spouses is identified through the same label; people who have been deprived of their parental rights; former adoptive parents if their parental rights were deprived; the person who has one of the diseases from the list provided by the committee; a person who does not have the certain amount of income defined by the officials on time of trusteeship; a person who has a criminal record(s); people not legally married. Regarding these prerequisites one of the experts have shared their perspective on heavily discriminatory and bureaucratic procedures people who wish to adopt have to go through:

> "Does the committee think that by excluding these people, the child will be fully in a safe and happy environment? I am not arguing against thorough provision of potential candidates to not re-traumatise a child and to avoid the **cycle of violence**. But this **discriminatory practice** of labelling and categorizing certain people only limits the guardianship processes. Also **heavy bureaucratic processes don´t motivate people much**." *(Zeynep)*

When the latter does not eventuate, children are assigned to be placed at the institutional residencies/orphanages. The admittance to the orphanage institutions is operationalised through the court's office. Once a child is admitted to the orphanage institution, they become no longer eligible for the guardianship/trusteeship process. Thus the next phase follows the foster family care or allocation of a child into a family-type orphanages. Although the foster care family placement measure is perceived as "international best practice" and is a "global policy" tendency (Ulybina, 2022) that was adopted as legitimised protocol around the world, the practicalities had contrasting characteristics. Experts working in the field continuously expressed that the Kyrgyz customs and people were not ready for such policy transfer and that it had reversive effects, where vulnerable children would eventually run away or experience handing the child constantly from one family into another. Moreover the "social orphans"

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[17] According to the Code of Children of Kyrgyzstan, 2020 - https://cbd.minjust.gov.kg/203700/edition/1208810/ru

constitute most of the representatives among children residing in the orphanage residences. They are the ones with one living parent who could not look after the child due to different life circumstances, where migration is one of the biggest obstacles. For "social orphans" to be accepted into the foster family, the consent of a parent is necessary, which usually is restricted because parents intend to reinvolve the child back into the family, once they return back home.

"For most of us the question and **solution doesn't lie in reintegration** with the family just to make sure that the children are defined as to be "under a family" and the problem solved. Its **more complex and structural** than that. It´s more about **actually recognising them** and then providing them with tools **for further connection** with the environments and communities."

(Cholpon)

"Foster care family was **an abrupt policy implication** which was under the rhetoric: **It worked somewhere, so let's try it here too**. The **absence of contextual analysis** by involving focus groups, resulted in the **absence of analysis on the readiness** of the population to the idea of adoption and foster family model. Now there are no places to put children, since everything closed. Children are running away from adoptive parents and facing **sexual exploitation**. " *(Meerim)*

As Meerim and Cholpon noted the policy transfer of the foster family model which was also one of the implications under the OP plan mentioned earlier did not consider contextual adaptation nor the local practices into account. When it comes to family-type orphanages the SOS Villages Kyrgyzstan[18] originating in Austria, Vienna is the foremost active organisation.

Migration

One of the acute issues that people including children face in Kyrgyzstan is migration. According to the Migration data portal[19] out of 328,458 Kyrgyz citizens living abroad, the majority, numbering 285,433, were in the Russian Federation. Migration necessitates most of the people to leave their children with their relatives and in cases of not having such choice, placing them in the orphanage institutions for the time being. Another type of migration, that experts have highlighted is internal

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[18] https://soskyrgyzstan.kg

[19] The Migration data Portal statistics - https://www.migrationdataportal.org/regional-data-overview/central-asia#:~:text=Of%20the%20328%2C458%20Kyrgyz%20nationals,81%20per%20cent%20in%202022.

migration (vnutrennaya migratsiya), where children move from another remote area or region to the capital Bishkek with the intention of financial stability through employment. In this particular context, the focus on migratory practices and their implications within child protection policies is overlooked. Consequently, the lack of preventative measures in these policies has resulted in an increase of child exploitation, a concern highlighted by experts.

> "There is a pressing issue in **neglect of preventative care and support measures** towards children who are migrating from another regions to the capital, the **so-called internal migration**. Those children are also vulnerable and in difficult life situations, but are not recognised within the categorisations of the policy. As a result the protection occurs only **once the violence has materialised** and all over the news " *(Zeynep)*

As Zeynep has highlighted the internal migration of children is not recognised within the policies and thus when children are at risk and in crisis, the attention is provided only when the situation takes place. The lack of contextual-based solutions within social policies was also one of the drawbacks highlighted by one of the experts.

> "Kyrgyzstan is a **migratory country**, thus the solutions in protecting children should also consider these factors. The **lack of contextual based solutions** which doesn´t take into account migratory tendencies of families and children themselves then result in **children being exploited** " *(Ainura)*

As Ainura emphasized, migratory practices that Kyrgyzstan encompasses are often overlooked and not considered within the system, which then excludes part of the representatives, especially children, leading to exploitative child trafficking practices[20].

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[20] The Oasis public foundation has highlighted that vulnerable children are very prone to human trafficking maneuvers, especially the ones leaving orphanage residencies - https://oasisorg.kg/en/programs_c/prevention-of-human-trafficking/

Comprehensive child development

Child well-being development

Considering the classification of vulnerability, the placement of a child in difficult life situations, and services provided for the reintegration back into the family, this current theme is the development or provision of development of a child according to the Code of Children. One of the main objectives of the state protection is the comprehensive development of a child for their further well-being. In other words, the development of a child guarantees and fosters their well-being. Well-being according to the Article 4 &6 on Code of Children of Kyrgyzstan dated 2020 No. 100 is reached through the following notion: "provide them with conditions for maintenance, upbringing, education, comprehensive development and respect for their human dignity; creating conditions for the comprehensive socialization and reintegration of a minor for his best development; ensuring every child has the right to a standard of living necessary for his physical, mental, spiritual, moral and social development; responsibility of parents for providing living conditions necessary for the development of the child, within the limits of their abilities and financial capabilities". Deriving from this context the well-being of a child is constituted through constant development which would eventually foster their "safety" and overcoming vulnerability of being in difficult life situations. It is no surprise that the development of a child is put at the central core of the "Code of Children" policy which was developed together with external actors in the name of UN and UNICEF. This suggests the reflection on the coloniality of child development, where children at risk or vulnerable are subjected to reach certain development stages legitimised through these provisions to become a "full" citizen re-integrated into society. Especially taking into account the "third world countries", major external actors have posited the development of a child into a "modern" or "global child" within which they ought to become or turn into complete "human beings". Since they were not constructed as such from the very beginning, it allowed for the exclusion of children due to their "not yet full cognitive and moral capacities" from significant social spheres, treating them as young and politically immature individuals under adult supervision, whose participation was deemed irrelevant in the adult public domain (Castro, 2021).

This notion of development depicted through the globally modern and developed child is a pervasively Eurocentric framework promoted as the sole framework within which childhood is constituted and is illustrated via "handbooks of child development in the first half of the twentieth century – has become constitutive of the process of Eurocentric modernity and capitalist expansion" (Castro, 2021, p. 2492). Thus, the comprehensive development and well-being of vulnerable children are defined through turning them into "full human beings" adults, able to produce, consume, and are morally and spiritually "normal". Moreover, these children ought to reach the potentiality of global children, by then fulfilling the demands and socially constructed prerequisites, which are to be fulfilled

through "global" rationalities. This posits the problematic of colonial "othering" (Tlostanova & Mignolo, 2006) which as a result leads to omitting the local ways of understanding children, centring on what they need and to hierarchical trait "to be superseded has led to framing the investigation of children's lives in terms of what they lack as well as what they should be striving for" (Castro, 2021, p. 2497).

Fostering children protection

The experts working in the field have expressed a variety of differing perspectives on children´s development. Whereas some of them supported the notions of development as outlined in the social policies, some of them have expressed critique by highlighting the reductionist and Eurocentric approach which discards local knowledge and ways of doing and knowing from children and communities themselves.

> "Developing children´s cognitive knowledges through **formal education access and ethics** will elevate their re-integration into the society. I think what´s outlined in the policies in terms of development is the most optimal way of breaking the cycle of vulnerability" *(Zeynep).*

As opposed to Zeynep, another expert has expressed that shifting the paradigm into increasing their potential which already exists, and actually deeply listening to what children need by involving the local traditional ways of education will contribute into their protection more empathetically.

> "Increasing children´s potential is necessary through the lens that **they already have the knowledge**, because they really do. I understand the necessity of formal education which legitimises their level of knowledge but it overlooks as to what actually children want and need. In this regard **involving local knowledges and children´s opinions** will help to include **missing puzzles and perceive the root causes** of child institutionalisation in a deeper and more empathetic way" *(Cholpon)*

> "In our work we stand in the position that the children who have been subjected to violence and abuse are **in safety**. The development of their professional skills and formal education comes at the very end, although we understand its importance. For us its important **to foster their inner support** and enhance the strengths of them to rely on communities. " *(Mira)*

The professional development is prevalent in the current policies coupled with practicalities but not in the most direct way as Cholpon and Mira have expressed. The involvement of fostering their well-being which is through inner support and communities is what the missing puzzles are in protection.

Causal Loop Diagram Systems Mapping

In analysing the complexity of children protection based on the social policies and current research objectives to determine whether the state-identified notions reinforce the institutionalisation of children in orphanage residencies the previously mentioned themes and dimensions have been collected into quantifiable variables for causal loops diagram. The CLD mapping[21] with connections between the variables and their reinforcing loops contribute to answer the main question within which the boundary of the map (Haraldsson, 2004) was outlined "*Whether or not the policies reinforce the institutionalization of vulnerable children?*". Please click the link to access to the full map to navigate through the process.

Connecting the dots within this map precedes with a lack of non-violent parenthood training sessions or tailored programs within both state social policies[22] which reinforces the child abuse risks in the forms of children running away, facing homelessness risks, and falling into more marginalisation and invisibility due to lack of record of placement. As illustrated in the CLD map below it is imperative to highlight that the latterly mentioned factors base itself on the continuous dominant factor of adult-centred approach which posits prioritisation of parents' well-being and lacks the prioritisation of children's needs reinforcing very high degree of child abuse risk.

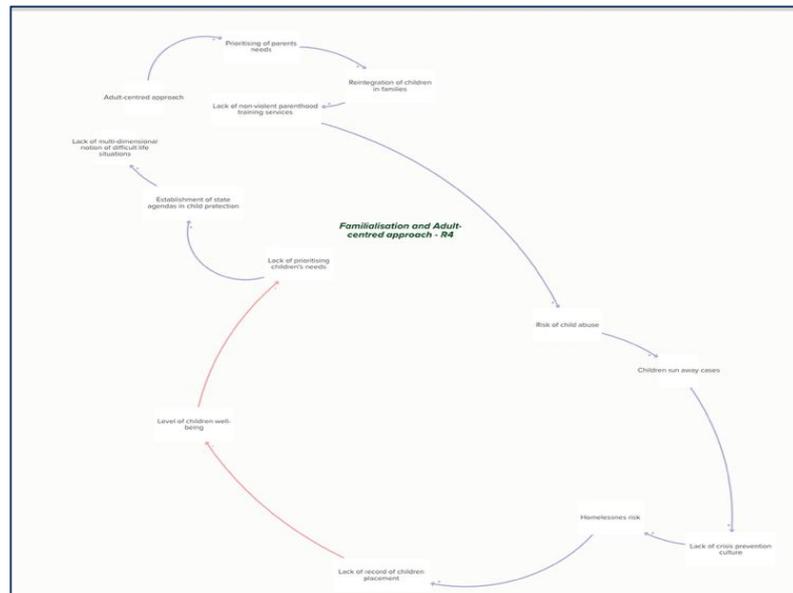*Figure 2: Causal Loop Diagram results: Familialisation and Adult-centred approach reinforcing loop (R)*

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[21] The full map can be found and accessed in the Annex 4 of the current document. Within the discussion the screenshots of the CLD map has been established.

[22] Code of Children of Kygyzstan & Decree of the Government of the Kyrgyz Republic: on the approval of a typical provision on orphanages.

It is significant to highlight the problematic factor of lacking non-violent parenthood services as the focal point in the policy measures mentioned earlier due to continuous dominant factor of children well-being defined and provided by the state policies through the main provisions of familialisation or reintegration of a child back into the family as illustrated in Figure 3 (below). The lack of a multi-dimensional notion of difficult life situations, accentuating an adult-centred approach and hindering the prioritisation of children´s needs is reinforced by the reintegration of children back into families as the main agenda within state protection of children´s well-being, where the parent´s needs are situated at the pinnacle.

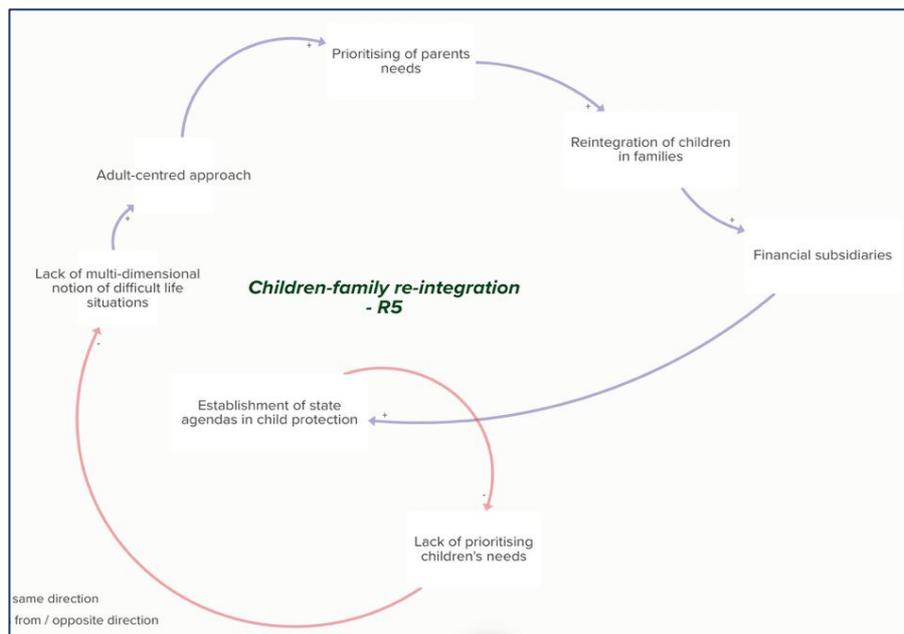*Figure 3: Causal Loop Diagram results: Children-Family re-integration reinforcing loop (R)*

Adding upon that, the familialisation or re-integration of a child back into the family as the core measure of "well-being" of a child addresses the attention to a significant lack of intersectionality in addressing child vulnerability and only then contending with the protection or well-being of children.
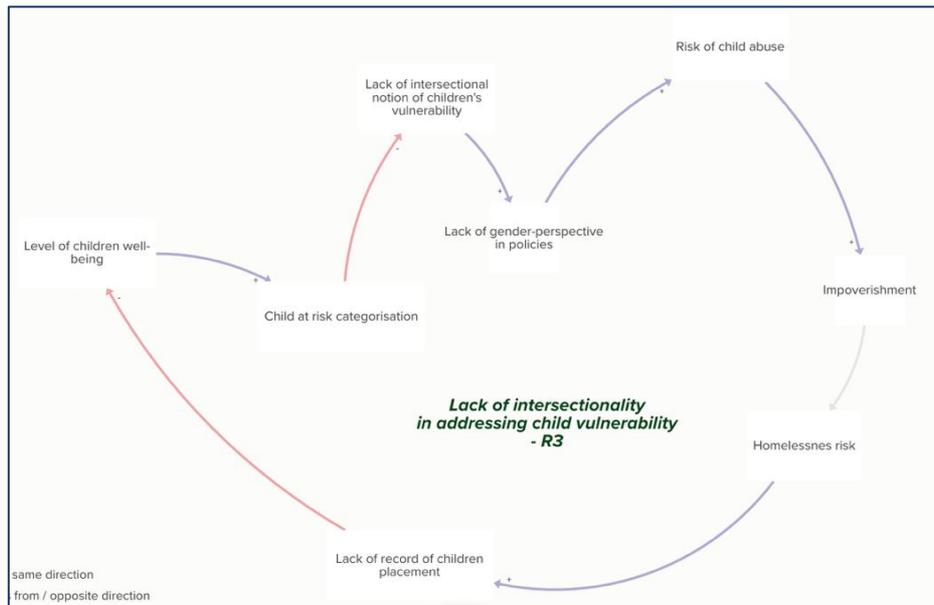
Figure 4:Causal Loop Diagram results: Lack of intersectionality in addressing child vulnerability reinforcing loop (R)

As illustrated in Figure 4 (above), the level of children´s well-being is operationalised through the categorisation of at risk children, which is sustained through exceeding structural inequalities of patriarchal norms, economic inequalities, racialised poverty and globalisation allowing for discriminatory, universalised and reductionist notions of assigning someone as vulnerable while excluding others who do not fall within that narrowed down classification due to lack of intersectional notion of children´s vulnerability and gender-based perspectives within the policies. This factor reinforces the high degree of risk of child abuse, where the provisions and measures of protection do not apply to an excluded part of vulnerable children due to diminishing of vulnerabilities, and thus children face with continuous impoverishment, homelessness risks which further pushes them into invisibility within the society due to lack of record of children residing (placement).
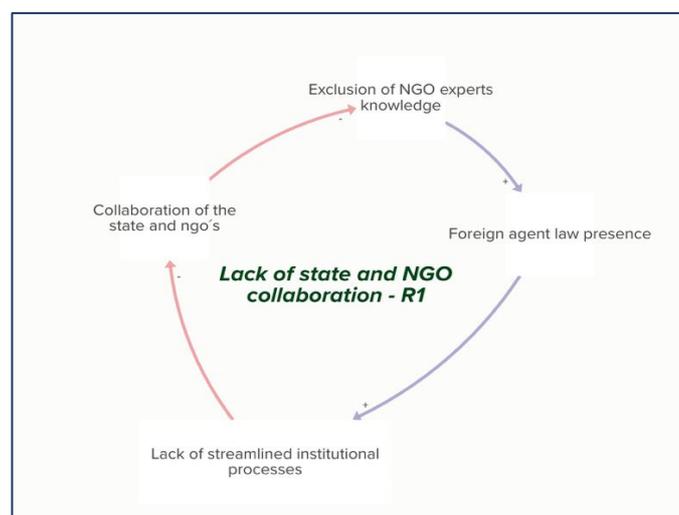
Figure 5: Causal loop diagram results: Lack of state and NGO collaboration reinforcing loop (R)

Moreover, as depicted above in the Figure 5, the lack of state and non-governmental organisations transparent and horizontal collaboration resulted in the exclusion of experts and their knowledge gained through years of experience in the child protection field. This was then reinforced by the manifestation of recently approved foreign agent law which reinforces the lack of streamlined institutional processes and intra-institutional partnerships with the government on questions of child protection measures and policy implications.

On account of streamlined institutional processes absence and exclusion of local organisations´ voices in decision-making as portrayed in Figure 6 below, culminated in rushed transition and modernisation processes of institutional orphanage residencies coupled with the state and external actors without studying the socio-historical contextual basis of Kyrgyzstan and children.
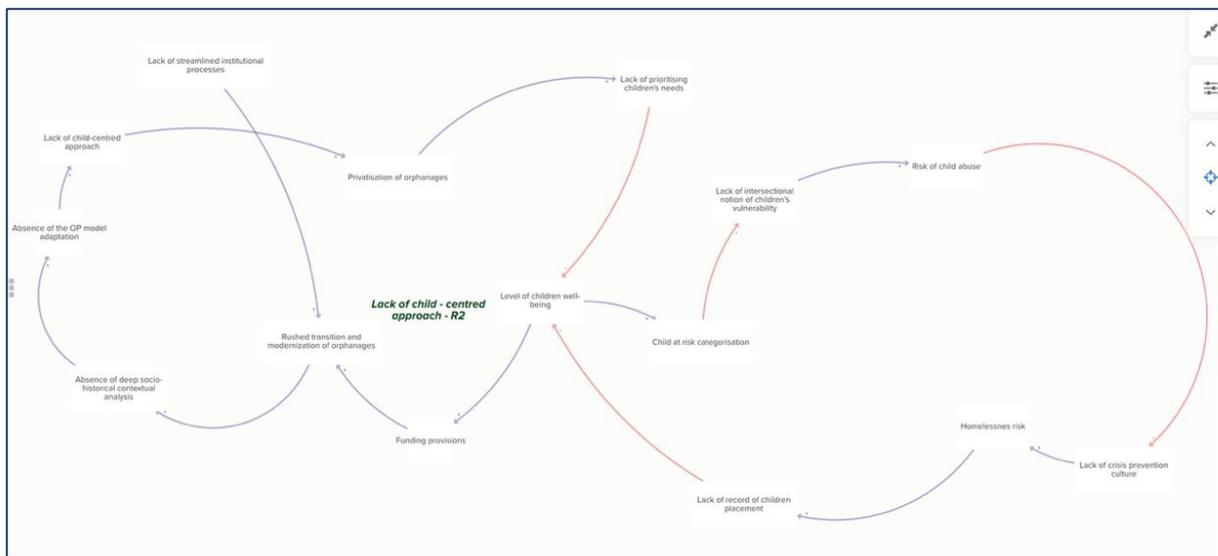
Figure 6: Causal loop diagram results: Lack of child-centred approach reinforcing loop (R)

This lack of analysis, followed by the absence of the OP and de-institutionalisation model adaptation in accordance to t the context and children as the pivotal point, led to the rise of orphanage institutions but in the private format. The lack of child-centred approach thus reiteratively reinforced the privatisation of orphanage residencies which places in jeopardy the interests of children and the level of their well-being by intensifying the notion of vulnerability which, as mentioned earlier, falls within the child at risk categorisation lacking intersectionality and gender-based notion. This again reinforces the risk of child abuse which directs the attention to the lack of crisis preventive culture within these rushed modernisation processes of orphanages which places the interests of children at last. Especially due to the pressure of the homelessness risks and lack of children´s placement records due

to the OP plan infusion which did not take into account children as the main encounters of later repercussions. On the contrary the lower level of children well-being which was the consequence of rushed transitional and modernisation processes leads to higher financial provisions, thus reinforcing the loop.

Thus, as illustrated in the Figure 7 (below), the privatisation of orphanages and its emergence was reinforced through the lack of child-centred approach, coupled with the lack of streamlined institutional processes, which excluded voices of local experts and stigmatized them in the society as the foreign agent law representatives as a consequence strengthened the rushed modernisation and forced transitional processes. These imposed processes lacked in the adaptation of the OP model in de-institutionalising the orphanage residencies, which then reinforced the exponential emergence on privatisation of orphanage residences.
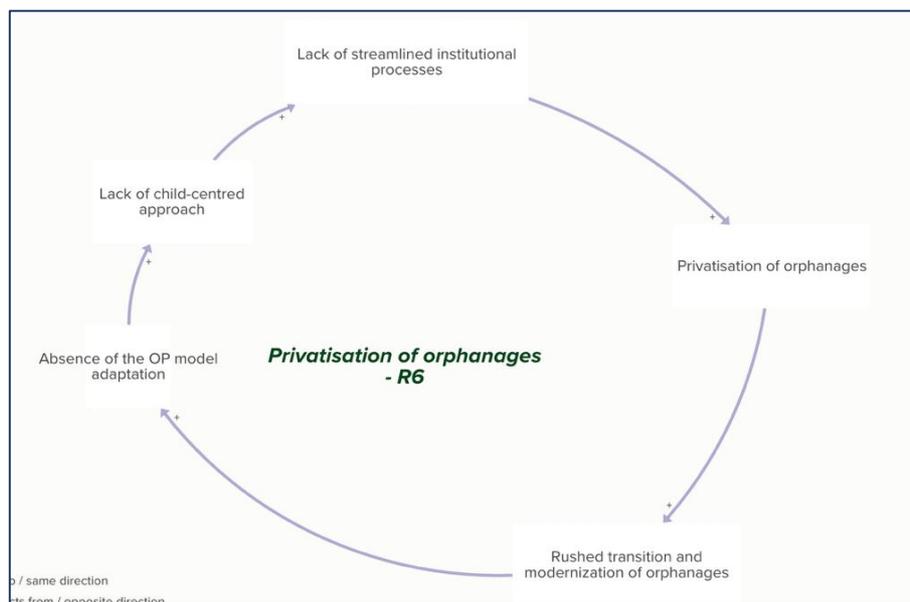
Figure 7: Causal loop diagram results: Privatisation of orphanages reinforcing loop (R)

That being the case, answering to the main research question of "*Whether or not the policies reinforce the institutionalization of vulnerable children?*" based on the illustration of reinforcing factors and dimensions, the reinforcing of institutionalisation of children occurs. And it occurs due to previously mentioned factors that amplify the risk of child abuse: the absence of a crisis-prevention culture, heightened risks of homelessness, and the prioritization of factors other than children's needs, neglecting child-centred approaches. Additionally, the normalization of reintegration of children coupled with the absence of non-violent parenting sessions further heightens the risk of child abuse. Vulnerabilities and risks are categorized without considering intersectionality or gender-based approaches within the whole process, thus excluding more children.

Furthermore, local knowledge of experts and voices in decision-making from non-governmental organisations are disregarded in favour of rushed modernization and transition by imposing the OP plan with the inadequacy of adaptation based on the contexts, reinforcing the trend towards privatizing orphanage residences, thereby placing children at continued risk.

Alternative care and protection

In order to reconfigure the system of child protection and imagine different presents and futures to disrupt and disturb the reinforcement of child abuse risk, the discriminatory child at risk categorisations and the imposition of Eurocentric OP plan models in the name of "modernising third world countries", the existing alternative care and protection measures based on the local knowledge emerging from the contextual Kyrgyz basis is proposed from the perspectives of experts and not only, to be considered as already legitimate ways of doing.

"We have established a model of **community-based housing and sheltering** for girls and women, who are victims of sexual exploitation. The housing provision is an acute issue, which we decided to solve through **cultivating and constructing a house based on communal collectivism**. These steps allowed to **fostering of support network** with the girls and women through the **tenacity and care of the community** " *(Ainura)*

"**Self-organisation and volunteering** was one of the most touching moments of working and interacting with children. Because through these volunteering activities which we would organise by ourselves with friends and communities open up our eyes and hearts into connecting with children. Love, care and support in the **interconnectedness of communities** was and still is one of the strongest foundations in child protection " *(Anara)*

"**Art as a support** has been one of the **most child-centred approaches** we have established. For majority of children who have been the victims of abuse and violence, it is not easy to overcome the trauma imposed on them. We don't want to impose ourselves onto them either. That is why art sessions through various forms of expression has been the bridge **to connect, co-build and to heal together**. It allows for **recognition, acknowledgement and is empathetic** way of being with children. For us it has been the most fundamental way of child at risk support" *(Cholpon)*

"**Child centred approaches and models of doing** is something we have been directing our strengths and efforts to. Those implications include **fostering the interests of children at first** hand either it be in advocacy, educational support, juridical services or extracurricular activities including arts or cultural events " *(Mira)*

As experts have pointed out above, there are various and multi-dimensional measures of child protection and care that exist as an alternative, which are not considered nor included in the current social policies. The inclusion and integration of different methods and frameworks of protection, based on local knowledge and practices of experts and "informal" ways of care fosters a more empathetic, inclusive, and interconnectedness with children and communities. Especially the significance of communities and collectivism was highlighted as the most important safety net in protecting children. Additionally one of the experts has highlighted the meaningfulness of nomadic cosmovision of children caring and nurturing, which should be preserved and continuously integrated.

"The **nomadic knowledge and practices that our ancestors have passed through centuries**, where the child was an integral part of the community and neighbours, grandparents, friends, nature and the whole society was and created the **interconnected network of support, care and safety net**. That knowledge and feeling is embedded in our hearts. We know it, people already know, especially children. We don't need legitimisation because that means discarding the Indigenous knowledge. Let´s nurture this horizontal and harmonious way of protection. We really need that. I think shifting our paradigm and practices based on these cosmovisions, will allow for a more thorough, sustainable and harmonious way of child protection, which the state policies often overlook " *(Meerim)*

As Meerim has mentioned, the nomadic cosmovision of knowledge and practices in protecting children which is grounded in "neither reproduction nor just imitation, but rather emphatic proximity, intensive interconnectedness" (Sultanalieva, 2023, p. 55) is essential part of Kyrgyz nomadic being that has been putting into practice the cherishing of care and protection of children through the ecosystems and cyclicality matrices which "gathers, reaps, and exchanges, but does not exploit" (Sultanalieva, 2023, p. 56) for centuries. This cosmovision of child protection lies within bordering and cross-border co-existence in connection with neighbouring societies through symbiosis. The care and protection of children was also a part of "adat" *(customs)* within which the cosmovision of collective nurturing of a child took place and nowadays occurs in co-raising with grandparents through "intergenerational reciprocal care" in the form of *"nebere aluu"* (Kim, 2023, p. 251) within which grandparents co-nurture their and – not only biologically – grandchildren.

Moreover, within this nomadic notion of protection and care, the community is considered as a whole collective of sustaining and supportive network. For instance quoting Kim (2023) directly in her work named "Grandparenting the Firstborn in Central Asia: Exploring the "Nebere Aluu" Practice, it is stated that: ". . .a child did not belong to a father or a mother, but to **the entire community** in which

the child lived. It was, consequently, the community that was responsible for the child's upbringing. Those who fed and educated a child were considered their parents. The child could call **many women and men mother and father**" (p. 255)

Thus the importance of enhancing and fostering the nomadic cosmovision of protection and care was put into the attention which rejects the western and global norths´ coloniality of knowledge imposition under the doctrine of "modernisation, civilisation, globalisation" which attempts to eradicate the native, "informal" epistemologies and do not legitimise other ways of doing which do not fall into their imperial objectives. The coloniality of such concepts would not exist without its notion of modernity (Sultanalieva, 2023) where utilization of soft power of child protection policy transfers, language, scholarship education programs, and imperialist power of establishing economic and security institutions under the prism of "helping third world country´s development" where the socio-economic vulnerability is used, lifts the veil to expose the genuine motive: the geostrategic importance of Central Asian countries with neighbouring China, Russia, Turkey with an abundance of natural resources. Accordingly, in line with the direct quotation by Tlostlanova (2010) retrieved from "The Third World Feminism to Decolonial Gender Epistemologies", that epitomizes the preceding arguments: "Even if we cannot escape the dependence on Western grants and NGOs, we can still maintain and cultivate a certain degree of freedom and self-reflection, a conscious rejection of the dominant ego-politics of knowledge and an attempt to build a geo- and body-politics of another gendered border thinking. This can help elaborate another dynamic of action, a specific transcultural language which would be linked with a more symmetrical and dialogic relations between Western and non-Western cultures and epistemologies […] having shaped the multiple vision of critical border thinking, which can hope to see and adequately reflect the diversality and contradictoriness of various existential experiences of our variegated world, we exercise our right not to knock any more on the Western door waiting to be accepted, and stop limping behind the so-called civilized world in the shoes that are chronically rubbing our feet sore "(p. 204)

Conclusion

The occurring reinforcing factors affecting at-risk children highlight how the interests of the state and powerful external actors impede the well-being of vulnerable children in Kyrgyzstan. Despite policies co-designed with UNICEF and the UN Delegation aiming to foster children's well-being, they primarily reflect adult-centred approaches that focus on reintegrating children into their families. Based on thematic analysis´ implemented, policies lack a thorough deconstruction of children's needs while hindering to secure safe spaces for them, which are not always provided by their biological parents' environment. The risks of abuse, homelessness, and societal invisibility faced by children are exacerbated by the imposition of disseminating Eurocentric approaches to de-institutionalization and the insufficient collaboration of the state with NGO representatives. Moreover, internal conflicts and competition among institutions divert attention away from the children in need. These children, already at risk, are often deprioritized as state institutions and external western actors focus on gaining more power, using the rhetoric of "helping poor children" as a tool for their own agendas. The systemic analysis implemented within this study directs attention to identified problematic gaps and reinforcing factors to be acknowledged and recognised by the institutions holding more power in deciding the passages of children at risk. To revolutionize the approach to decision-making, we must include the voices of children, for they possess a deep understanding and awareness of their own struggles. Through interviews with field experts, it has become evident that the systematic exclusion of local and communal knowledges, including that held by these very experts, coupled with the patronizing attitudes of major Western European organizations proclaiming "we know best," undermines the diverse efforts made by non-governmental organizations and self-organised volunteering initiatives striving to prioritize children's interests through nuanced, multi-faceted protection strategies.

It is crucial to underscore that existing state policies often perpetuate discriminatory, patriarchal, and racial biases, neglecting intersectional and gender-sensitive approaches essential for effectively addressing issues such as gender-based violence, human trafficking, and the caregiving roles predominantly assumed by women. The absence of intersectional and gender-sensitive approaches in defining and addressing vulnerability identified within the current study directs attention towards categorizing at-risk children based on reductionist, discriminatory labels. This approach excludes children who do not fit these categories from receiving necessary protective measures. Furthermore, structural factors of reinforcing such violent practices are compounded by the proposed merging actions of the Children's Code with the Family Code, effectively eliminating the singular policy focused on safeguarding at-risk children, by reinforcing the family adult-based framework. This setback, coupled with labelling NGOs as foreign agents, exacerbates existing barriers highlighted in this study, ultimately pushing children further towards the margins of vulnerability and increased risk.

The factors identified and highlighted in this study are not merely intended purposefully for criticism. As in Kurak, it serves as the patchwork of different and various puzzles, each having significance synthesized in one piece. Therefore, the findings are directed towards acknowledging shortcomings and paving the way for their embracement to connect, co-build and engage with children. One such recommendation is the exploration and nurturing of alternative forms of protection and care proposed earlier. This approach values the longstanding and inherently valid methods of the Kyrgyz nomadic people, which require no external validation. Embracing our unique practices in contrast to Western norms does not diminish our worth or capabilities. Centuries of colonial knowledge and influence in Central Asian countries, including Kyrgyzstan, have marginalized indigenous knowledges, long attempted to erase them. It is now crucial to spotlight and integrate these earlier-marginalized knowledges. Prioritising existing community resilience and further cultivation of them to place emphasis on creating supportive networks with at-risk children are pivotal steps in this direction.

Thus, this study serves as a foundational framework that experts across various fields—not limited to academics or scholars—can expand upon in greater depth and breadth. Further exploration into the identified issues and themes has the potential to disrupt cycles that jeopardize children's well-being, fostering a more compassionate environment. This exploration doesn't mean to direct the attention solely on their formal "development" ability to then exploitatively participate in the capitalist economy, nor towards their measurable consumption levels. Instead, it emphasizes the imaginary and steps taken in direction of interconnectedness within ecosystems, aiming for a more holistic and sustainable approach to children's well-being.

References

Acaroglu, L. (2017). *Tools of a systems thinker: The six fundamental concepts of systems thinking.*

An, S., & Chambon, A. (2017). *'Good' Child Labour, 'Bad' Child Labour Translating Global Policy in the Post-Soviet Context.*

An, S., & Kulmala, M. (2021). *Global deinstitutionalisation policy in the post-Soviet space: A comparison of child-welfare reforms in Russia and Kazakhstan.*

Ashimova, C. (2021). *Kyrgyzstan: The Development of Child Protection Systems in the Post-Soviet States.* Springer.

Bertalanffy, L. V. (2017). *The History and Status of General Systems Theory.*

Braun, V., & Clarke, V. (2013). *Successful qualitative research: a practical guide for beginners .* Sage .

Builasheva, S. (2014). *Social Constructions of Early Childhood Care and Education in the Kyrgyz Republic before and after Independence.* Reprosentralen, Universitetet i Oslo.

Byrne, D. (2001). *Complexity Theory and the Social Sciences.* Taylor & Francis.

Castro, L. R. (2021). *Decolonising child studies: development and globalism as orientalist perspectives.*

Chotaeva, C. (2016). *History of Kyrgyzstan.* Bishkek.

Cooper, A., Hetherington, R., & Katz, I. (2003). *The Risk Factor: Making the Child Protection System Work for Children.*

Earner, I., & Telitsyna, A. (2021). *The Development of Child Protection Systems in the Post-Soviet States. A Twenty Five Years Perspective.* Springer.

Faulkner, E., & Nyamutata, C. (2020). *The Decolonisation of Children's Rights and the Colonial Contours of the Convention on the Rights of the Child.*

Galletta, A. (2013). *Front Matter. In Mastering the Semi-Structured Interview and Beyond: From Research Design to Analysis and Publication.* NYU Press.

Goodman, M. (2016). Systems thinking: What, Why, When, Where and How? *Systems Thinker*.

Hamilton-Giachritsis, C., & Browne, K. (2012). *Forgotten children? An update on young children in institutions across Europe.*

Haraldsson, H. (2004). *Haraldsson, H.V. 2004. Introduction to System Thinking and Causal Loop Diagrams. .*

Huseynli, A. (2017). Implementation of deinstitutionalization of child care institutions in post-soviet countries: The case of Azerbaijan.

Imani, N. O. (2008). *"Critical Impairments to Globalizing the Western Human Rights Dis- course", Societies Without Borders.*

Johnson, P. B., & Penn, A. S. (2022). *Systems Mapping: How to build and use causal models of systems.*

Kim, E. (2022). *Competing Discourses in the Child Protection System in Kyrgyzstan: Implications for Redressing Gender Violence Against Girls.*

Kim, E. (2023). *Grandparenting the Firstborn in Central Asia: Exploring the "Nebere Aluu" Practice.*

Lee, J., & Branigin, M. W. (2022). *Generating inclusive services for children, youth and families: A shift to using complex systems theory Jo Ann Lee | Michael Wolf-Branigin Department of Social Work, George Mason University, Virginia, United States of America Correspondence Dr. JoAnn Lee,.*

Mack, N., Woodsong, C., MacQueen, K., Guest, G., & Namey , E. (2005). *Qualitative Research Methods: A data collector′s field guide .*

Matossian, M. K. (1968). *Impact of Soviet policies in Armenia.* Leiden, Netherlands: E.J. Brill.

Mignolo, W. (2011). *The Darker side of Western Modernity.*

Moe, T. (2005). *Power and Political Institutions.*

Nordin, A.-L. (2015). *Towards a Brighter Future for Institutionalised Children? A Case Study of De-Institutionalisation of Childcare in Kyrgyzstan.*

Osmonalieva N. Zh., Atabekov K., & Osmonalieva A. Zh. (2021). *Improving the legislation of the Kyrgyz Republic on orphans and children deprived of parental care.*

Osmonov, O. (2012). *История Кыргызстана. Исторические Вехи .*

Pincock, K., & Jones, N. (2020). *Challenging Power Dynamics and Eliciting Marginalized Adolescent Voices Through Qualitative Methods .*

Ridge, T., Alcock, P., Haux, T., May, M., & Wright, S. (2016). *Children. The Student′s companion to Social Policy.*

Roche, S. (2019). A scoping review of children's experiences of residential care settings in the the global South.

Salmorbekova, R., & Karimova, K. (2021). *Adaptation and Socialization of social orphans in Kyrgyzstan: Society and Security insights.*

Semya, G., Telitsyna, A., & Garifulina, E. (2021). *The development of child protection systems in the Post-Soviet states, Chapter 9 - Russian Federation.* Springer Nature Switzerland AG.

Silova, I., & Palandjian, G. (2018). *Soviet empire, Childhood, and Education.*

Silova, I., Millei, Z., Cachkhiani, K., Palandjian, G., & Vitrukh, M. (2021). *Post-Socialist Transformations in Comparative and International Education: Monuments, Movements, and Metamorphoses. THE BLOOMSBURY HANDBOOK OF THEORY IN COMPARATIVE AND INTERNATIONAL EDUCATION.*

Stevens, I., & Cox, P. (2007). *Complexity Theory: Developing New Understandings of Child Protection in Field Settings and in Residential Child Care.* Oxford University Press.

Sultanalieva, S. (2023). *"NOMADITY OF BEING" IN CENTRAL ASIA: Narratives of Kyrgyzstani Women's Rights Activists.*

Teichmann, C. (2009). *Cultivating the Periphery: Bolshevik Civilising Missions and 'Colonialism' in Soviet Central Asia.*

Tlostanova, M. (2015). Between the Russian/Soviet dependencies, neoliberal delusions, dewesternizing options, and decolonial drives.

Tlostanova, M., & Mignolo, W. (2006). *Theorizing from the Borders: Shifting to Geo- and Body-Politics of Knowledge.*

Tlostlanova, M. (2009). *Towards a Decolonization of Thinking and Knowledge: a Few Reflections from the World of Imperial Difference.*

Tlostlanova, M. (2010). *From Third World Feminism to Decolonial Gender Epistemologies.*

Ulybina, O. (2022). *Explaining the Cross-National Pattern of Policy Shift toward Childcare Deinstitutionalization.*

Zárate, M. R. (2016). *Who else are they? Conceptualizing intersectionality for childhood and youth research.*

Annex

Annex 1: The canvas of thematic policy analysis

The document attached below is the self-constructed canvas of thematic analysis of 2 main social policies. The attachment of the Code of Children canvas analysis is illustrated below, while the second analysis of the policy canvas is provided through this link.

Implementation

To systematically understand the policies on institutional care to highlight or find out the factors that might hinder the transition towards alternative forms of care.

Research question: How do policies protect vulnerable and abandoned children? What forms of care do they provide? Do the policies reinforce institutionalization of children?

Identifying key words

Grouping of keywords and selection of relevant ones

Transforming relevant keywords into codes

Codes transformed into themes from the policies and from interviews

Interpretation and translation of results

Первый документ: PART 1 - Анализ Общего положения первой главы

Title	Code of the Kyrgyz Republic on Children
Section	Section 1 - General Provisions
Year of creation	2012 with updates up till 2020
Validity period	2012-Current
Authors (Ministry)	Jogorku Kenesh (Parliament) of the Kyrgyz Republic Ministry of Justice
Access to document	https://cbd.minjust.gov.kg/203700/edition/1208810/ru
Scopes	Chapter 1. Legislation of the Kyrgyz Republic on the protection of the rights and interests of children Chapter 2. Rights and interests of children, guarantees of their provision Chapter 3. Bodies in the field of ensuring the rights and interests of children

Bureaucratic processes	
Alliances (other stakeholders involved)	**STATE**: Ensuring the rights and interests of children by government authorities and other bodies, p.10: Local state administrations in the field of ensuring the rights and interests of children Executive bodies of local authorities Court Prosecutor´s office Akyikatchy (Ombudsman) No other stakeholders are mentioned other than above stated
Summary	
Keywords	Обеспечение защиты; гарантийных основ прав ребенка; бесплатным услугам - в трудной жизненной ситуации; недопустимости дискриминации; выражение своего мнения; насилия; ответственность - нарушение прав; стабильности и непрерывности; приоритетности защиты прав; предотвращения разлучения; правом на уровень жизни; содержания, воспитания, обучения; в трудной жизненной ситуации; трудная жизненная ситуация; без попечения родителей; дети сироты; сопровождение; направленных на устройство; насилие; равноправного члена; всех форм насилия; поддержка семьи; децентрализация, партнерства; охрана и защита; гендерное равенство; правовой базы; приоритетных областей; финансирование; воспитание в семье - приоритетным; санитарно-эпидемиологическим требованиям; доступ к образовательным услугам; социальную адаптацию и интеграцию; подвергаться ограничениям; внеочередного - жилой площади; выселены; обеспечивают доступ; мониторинг прав и интересов; выявление нарушения прав; направлении в интернатные учреждения; усыновлении, опеки; незаконного и необоснованного; аккредитация; обоснованность; жертвой насилия; сопровождение семьи и ребенка; воспитываться в семье; социальную адаптацию и реабилитацию;
Quotes	"Целями настоящего Кодекса являются защита гражданских, политических, экономических, социальных, культурных и иных прав,

интересов и свобод детей, а также обеспечение защиты детей, находящихся в трудной жизненной ситуации.”

“Задачами настоящего Кодекса являются установление принципов и мер по защите детей, формирование гарантийных основ прав ребенка; функционирование соответствующих органов и организаций по защите детей; определение компетенции государственных органов и органов местного самоуправления в области обеспечения прав и интересов детей и порядок их взаимодействия”

“обеспечения доступа детей к бесплатным услугам в объеме государственных гарантий, предусмотренных законом, в особенности детям, находящимся в трудной жизненной ситуации”

“недопустимости дискриминации детей по признаку расы, цвета кожи, пола, языка, религии, национального или социального происхождения, имущественного положения, состояния здоровья, а также по любым иным признакам”

“обеспечения права ребенка на выражение своего мнения при принятии решений, касающихся его судьбы”

“обеспечения защиты ребенка от всех форм насилия”

“ответственности органов государственной власти и местного самоуправления, их сотрудников, а также иных физических и юридических лиц за нарушение прав и интересов ребенка, причинение ему вреда;

“обеспечения стабильности и непрерывности воспитания и образования ребенка”

“приоритетности защиты прав и интересов ребенка со стороны государства, общества, семьи”

“предотвращения разлучения ребенка с семьей и обеспечения прав ребенка на семейное окружение”

“обеспечения каждого ребенка правом на уровень жизни, необходимый для его физического, умственного, духовного, нравственного и социального развития”

“Обеспечения государством содержания, воспитания, обучения детей-сирот и детей, оставшихся без попечения родителей“

"дети, находящиеся в трудной жизненной ситуации - дети, оставшиеся без попечения родителей, дети с ограниченными возможностями здоровья, дети, находящиеся в конфликте с законом, являющиеся жертвой насилия или преступления, дети, проживающие в малообеспеченных семьях, работающие дети, безнадзорные дети, беспризорные дети, дети в зонах конфликтов и чрезвычайных ситуаций, жизнедеятельность которых объективно нарушена в результате сложившихся обстоятельств, а также дети, которые не могут преодолеть указанные обстоятельства самостоятельно или с помощью семьи"

"трудная жизненная ситуация - ситуация, объективно нарушающая жизнедеятельность гражданина (инвалидность, неспособность к самообслуживанию в связи с преклонным возрастом или болезнью, сиротство, безнадзорность, малообеспеченность, безработица, отсутствие определенного места жительства, конфликты и жестокое обращение в семье, одиночество и т.п.), а также его морально-психологическое состояние, связанное с неспособностью самостоятельно преодолеть эту ситуацию"

"дети, оставшиеся без попечения родителей - лица в возрасте до 18 лет, лишенные родительской заботы со стороны единственного или обоих родителей в связи с их смертью, а также если родители неизвестны (дети-сироты), у которых отсутствуют родители в связи с лишением их или ограничением их родительских прав, признанием родителей безвестно отсутствующими, недееспособными (ограниченно дееспособными), нахождением их в лечебных учреждениях, отбыванием ими наказания в виде лишения свободы, нахождением их в местах содержания под стражей, уклонением родителей от воспитания детей или от защиты их прав и интересов, отказом родителей взять своих детей из воспитательных, лечебных учреждений, учреждений социальной защиты населения и других аналогичных учреждений и в иных случаях признания ребенка оставшимся без попечения родителей в установленном законом порядке"

"дети-сироты - лица в возрасте до 18 лет, у которых умерли оба родителя или единственный родитель либо родители неизвестны"

"сопровождение семьи и ребенка - осуществление уполномоченным Правительством Кыргызской Республики государственным органом по защите детей и его территориальными подразделениями (далее -

уполномоченный орган по защите детей) координации всей социальной работы и мероприятий по защите ребенка, находящегося в трудной жизненной ситуации"

"защита детей, находящихся в трудной жизненной ситуации - комплекс мероприятий по оказанию услуг социально-экономического, социально-медицинского, социально-психологического, социально-правового и иного характера, направленных на устройство, социальную поддержку, социальную адаптацию и реабилитацию детей, находящихся в трудной жизненной ситуации"

"жестокое обращение с ребенком (насилие) - это любые действия по отношению к ребенку, нарушающие или ставящие под угрозу его физическое или психическое развитие"

"уважение и обеспечение прав и свобод ребенка как равноправного члена общества"

"обеспечение защиты ребенка от всех форм насилия"

"государственная поддержка семьи в целях обеспечения полноценного воспитания ребенка, защиты его прав и интересов, подготовки его к полноценной жизни в обществе"

"децентрализация услуг по защите ребенка, обеспечение партнерства между государственными и негосударственными учреждениями в сфере защиты прав и интересов ребенка"

"охрана и защита прав и свобод ребенка со стороны государства, общества, семьи"

"на соблюдение принципов гендерного равенства"

"на совершенствование нормативной правовой базы в сфере обеспечения прав и интересов детей"

"Обеспечение прав, интересов и защиты детей, находящихся в трудной жизненной ситуации, является одной из приоритетных областей государственной политики и в деятельности органов государственной власти и местного самоуправления"

"Финансирование мероприятий по реализации государственной политики в сфере обеспечения прав и интересов детей осуществляется из республиканского и местных бюджетов и иных источников, не запрещенных законодательством Кыргызской Республики."

"Каждый ребенок имеет право жить и ==воспитываться в семье. Воспитание в семье== признается ==приоритетным== и соответствующим интересам ребенка и может быть прекращено только по основаниям, предусмотренным законодательством Кыргызской Республики"

"Условия проживания, содержания, обучения и воспитания детей в детских учреждениях и организациях должны соответствовать установленным ==санитарно-эпидемиологическим требованиям==, за нарушение которых руководители детских учреждений и организаций, органы государственной власти и местного самоуправления несут предусмотренную законодательством ответственность."

"Для детей с ограниченными возможностями здоровья, не способных получить образование в образовательных организациях на общих основаниях, в соответствии с законодательством Кыргызской Республики, а также для детей-сирот и детей, оставшихся без попечения родителей, создаются особые условия, включая открытие специальных групп, классов или государственных или муниципальных центров реабилитации, ==адаптации==, обеспечивающих их бесплатное образование, профессиональную подготовку, ==социальную адаптацию и интеграцию== в общество."

"Осуществление права ребенка ==выражать свое мнение== может ==подвергаться ограничениям== только в случаях, предусмотренных законодательством в целях уважения прав и репутации других лиц, а также охраны государственной безопасности, общественного порядка, здоровья и нравственности населения Кыргызской Республики."

"Дети-сироты при достижении 16 лет, не имеющие жилой площади для проживания, пользуются правом ==внеочередного== получения ==жилой площади== на праве пользования в порядке, установленном законодательством."

"Дети, оставшиеся без попечения родителей, в том числе дети-сироты, не могут быть ==выселены== из занимаемого ими жилища без предоставления другого жилого помещения."

"==обеспечивают доступ== нуждающихся детей к получению образования, медицинской помощи, социальных услуг"

"обеспечивают ==мониторинг== услуг по опеке, содержанию и воспитанию детей, оставшихся без родительской заботы, предоставляемых

общественными организациями, действующими на соответствующей территории, на предмет соблюдения <mark>прав</mark> <mark>и</mark> <mark>интересов</mark> детей"

"<mark>выявление</mark> случаев <mark>нарушения</mark> <mark>прав</mark> детей и оказание содействия нуждающимся детям в восстановлении нарушенных прав"

"рассмотрение дел о <mark>направлении</mark> детей: в <mark>интернатные</mark> <mark>учреждения</mark> независимо от ведомственной принадлежности, форм собственности, за исключением интернатных учреждений, предоставляющих услуги детям в течение не более 6 месяцев, детям с ограниченными возможностями здоровья, а также предоставляющих услуги для одаренных детей, в том числе на платной основе"

"рассмотрение дел об <mark>усыновлении</mark>, установлении <mark>опеки</mark> и попечительства;

"Принятие мер по предотвращению <mark>незаконного</mark> <mark>и</mark> <mark>необоснованного</mark> направления ребенка в интернатное учреждение"

"Направление детей, <u>оставшихся без попечения родителей</u>, в интернатные учреждения, прошедшие <mark>аккредитацию</mark>"

"пересмотр <mark>обоснованности</mark> нахождения ребенка в интернатном учреждении, специальной школе для детей, нуждающихся в особых условиях воспитания, или психиатрической больнице"

PART 2 - ОРГАНИЗАЦИОННЫЕ ОСНОВЫ ЗАЩИТЫ ДЕТЕЙ, НАХОДЯЩИХСЯ В ТРУДНОЙ ЖИЗНЕННОЙ СИТУАЦИИ

Title	Code of the Kyrgyz Republic on Children
Section	Section 2 - ORGANIZATIONAL BASIS FOR THE PROTECTION OF CHILDREN IN DIFFICULT LIFE SITUATIONS
Year of creation	2012 with updates up till 2020
Validity period	2012-Current
Authors (Ministry)	Jogorku Kenesh (Parliament) of the Kyrgyz Republic Ministry of Justice
Access to document	https://cbd.minjust.gov.kg/203700/edition/1208810/ru

Scopes	Chapter 4. System for protecting children in difficult life situations Chapter 5. Measures to protect children in difficult life situations Chapter 6. Accreditation of entities providing services to children in difficult life situations
Bureaucratic processes	Направление в интернатные учреждения вне зависимости от формы собственности детей-сирот, детей, у которых отсутствуют родители в связи с лишением или ограничением их родительских прав, признанием родителей безвестно отсутствующими, недееспособными (ограниченно дееспособными), отбыванием ими наказания в виде лишения свободы, производится по решению суда, основанного на заключении уполномоченного органа по защите детей. Пересмотр обоснованности нахождения ребенка в интернатном учреждении осуществляется судом на основе заключений территориального уполномоченного органа по защите детей, на территории которого проживает семья ребенка, соответствующих уполномоченных органов, в ведомственном подчинении которых находятся данные интернатные учреждения, по заявлению законных представителей, а также организаций по защите прав и интересов детей.
Alliances (other stakeholders involved)	<u>The bodies responsible for ensuring the protection of children in difficult life situations are:</u> Government of the Kyrgyz Republic; Authorized body for the protection of children; Commissions for children's affairs under local state administrations; Territorial division of the authorized body for the protection of children; Executive body of local government and commissions of executive bodies of local government on social issues. Commission for children's affairs (representative of the internal affairs body; representative of the authorized state body in the field of education; representative of the authorized state body in the field of healthcare; representative of the authorized body for the protection of children; representative of the authorized state body in the field of migration; representative of the district government administration or mayor's office; representatives of civil society (as agreed))

Summary	
Keywords	Организационной, финансовой помощи; государственного уполномоченного органа; аккредитация субъектов; опеке и попечительстве; выявление детей и семей; финансирования; интернатных учреждений; банк данных; координацию, мониторинг и контроль; консультационную помощь и содействие; базу данных; усыновление (удочерение) иностранными гражданами; семейное насилие; улучшению жизни детей; суд, в защиту прав; индивидуальный план; обучение лиц; обеспечением условий; взаимодействуют с организациями; повышению квалификации; социальной поддержки семьи; выявлении детей; социальных услугах; создание социальных услуг; плана индивидуальной работы; временное размещение; комиссия, периодичной основе; степень нуждаемости; недопущению трудных жизненных ситуаций; соответствующих отделов; выявлении детей; семьи группы риска, план индивидуальной работы; ресурсов для преобразований; социальной, правовой, психолого-педагогической, медицинской помощи; услугах по защите; реабилитационные программы; размещение вне семьи; приемную семью; возрастом и зрелостью; без нанесения вреда; крайняя мера; оценку и анализ; мероприятия по защите; развитие и реализацию прав; прямая угроза жизни и здоровью; поддержке семей; предотвращения разлучения;
Quotes	"оказание организационной, финансовой и иной помощи органам местного самоуправления в целях оказания содействия в их работе по защите детей, находящихся в трудной жизненной ситуации" "определение государственного уполномоченного органа по защите детей и утверждение его положения" "утверждение положения об аккредитации субъектов, оказывающих услуги детям, находящимся в трудной жизненной ситуации" "утверждение положения об опеке и попечительстве в Кыргызской Республике" "определение и утверждение порядка выявления детей и семей, находящихся в трудной жизненной ситуации" "определение стандартов финансирования оказываемых услуг по защите детей"

"утверждение типовых положений интернатных учреждений, специальных образовательных организаций, независимо от форм собственности, для детей, находящихся в трудной жизненной ситуации"

"определение порядка ведения государственного банка данных о детях, оставшихся без попечения родителей, и порядок ведения соответствующих баз данных о детях, находящихся в трудной жизненной ситуации"

"осуществляет, в пределах своих полномочий, координацию, мониторинг и контроль за деятельностью органов и лиц, осуществляющих защиту детей, находящихся в трудной жизненной ситуации, а также за субъектами, оказывающими услуги в указанной сфере;

"оказывает информационно-методическую, консультационную помощь и содействие территориальным подразделениям уполномоченного органа по защите детей, органам местного самоуправления и иным органам, осуществляющим деятельность по защите детей, находящихся в трудной жизненной ситуации"

"ведет государственную базу данных о детях, находящихся в трудной жизненной ситуации"

"осуществляет функции по усыновлению (удочерению) детей иностранными гражданами в порядке, установленном законодательством Кыргызской Республики"

"осуществляет функции по охране и защите детей от семейного насилия в соответствии с законодательством Кыргызской Республики"

"планируют мероприятия по улучшению жизни детей, находящихся в трудной жизненной ситуации"

"обращаются в суд по делам о лишении родительских прав, об ограничении родительских прав, отобрании ребенка без лишения родительских прав, усыновлении (удочерении), отмене усыновления (удочерения), о назначении опекунов, попечителей и освобождении, отстранении опекунов и попечителей, а также по другим делам в защиту прав и интересов детей, предусмотренных законодательством Кыргызской Республики"

"разрабатывают и вносят на согласование Комиссии по делам детей и утверждение главы местной государственной администрации индивидуальный план по защите ребенка и план индивидуальной работы с семьей в целях соблюдения наилучших интересов детей"

"организуют обучение лиц, способных к выполнению обязанностей опекунов, попечителей и приемных родителей, усыновителей"

"осуществляют контроль за обеспечением соответствующих условий для жизни и воспитания детей, оставшихся без попечения родителей, при различных формах устройства, в учреждениях и организациях вне зависимости от форм собственности"

"взаимодействуют с органами и организациями, осуществляющими деятельность по профилактике правонарушений среди детей"

"проводят мероприятия по повышению профессиональной квалификации своих сотрудников и сотрудников органов местного самоуправления, в компетенцию которых входят вопросы защиты детей, находящихся в трудной жизненной ситуации"

"консультируют граждан по вопросам социальной поддержки семьи и детей, находящихся в трудной жизненной ситуации"

"содействуют в выявлении детей, находящихся в трудной жизненной ситуации"

"осуществляют оценку потребностей района в социальных услугах для детей, находящихся в трудной жизненной ситуации, совместно с органами местного самоуправления не реже одного раза в 5 лет"

"обеспечивают создание и финансирование необходимых социальных услуг"

"принимают решения об утверждении плана индивидуальной работы с семьей, находящейся в трудной жизненной ситуации, на основании протокола Комиссии по делам детей и осуществляют контроль за его исполнением"

"оказывают содействие территориальным подразделениям уполномоченного органа по защите детей в осуществлении мониторинга на соответствующей территории, условий жизни детей, а также их усыновителей, опекунов, попечителей и приемных родителей, обеспечивают временное размещение ребенка, находящегося в трудной жизненной ситуации, до передачи ребенка под ответственность территориального подразделения уполномоченного органа по защите детей в порядке, определяемом Правительством Кыргызской Республики"

"Комиссия по делам детей не является постоянно действующим рабочим органом и осуществляет свою деятельность на периодичной основе."

"первичное определение степени нуждаемости семей и детей, находящихся в трудной жизненной ситуации"

"Профилактическая работа по недопущению трудных жизненных ситуаций у детей включает систему мер и услуг по поддержке семей с детьми, направленных на предоставление семье необходимой помощи и поддержки в воспитании детей; обеспечение благополучия детей; предотвращение разлучения ребенка с семьей; укрепление родительских навыков; улучшение благосклонного отношения общества к ребенку и семье; усиление ответственности по защите ребенка"

"Органы местного самоуправления осуществляют профилактическую и индивидуальную работу с семьей путем создания соответствующих отделов, занимающихся проблемами семей и детей, находящихся в трудной жизненной ситуации"

"При выявлении детей, находящихся в трудной жизненной ситуации, лица обязаны в 2-дневный срок проинформировать об этом соответствующее территориальное подразделение уполномоченного органа по защите детей."

"При выявлении семьи группы риска территориальное подразделение уполномоченного органа по защите детей совместно с исполнительным органом местного самоуправления в течение 10 календарных дней осуществляют изучение и оценку ситуации в выявленной семье, разрабатывают план индивидуальной работы с семьей, по согласованию с этой семьей, с учетом потребностей каждого ребенка."

"При составлении плана индивидуальной работы с семьей, находящейся в трудной жизненной ситуации, территориальное подразделение уполномоченного органа по защите детей с помощью соответствующих специалистов оценивает жизненную ситуацию семьи и осуществляет поиск внешних и внутренних ресурсов для необходимых преобразований, а также возможностей их эффективного использования для положительного изменения сложившейся ситуации."

"План индивидуальной работы с семьей включает в себя перечень мероприятий по оказанию социальной, правовой, психолого-педагогической, медицинской помощи семье, находящейся в трудной жизненной ситуации, направленный на поддержание и способствование благоприятного развития ребенка, а также на укрепление воспитательных навыков и возможностей родителей, опекунов и других лиц, ответственных за воспитание ребенка и уход за ним, а также включает сроки его выполнения с указанием ответственных лиц."

	"нуждается ли данный ребенок в услугах по его защите"

"нуждается ли ребенок в реабилитационных программах"

"возможно ли оставление ребенка в семье или требуется размещение его вне семьи"

"требуется ли назначение ребенку опекунства, усыновления или размещения его в приемную семью."

"учет мнения ребенка в соответствии с его возрастом и зрелостью"

"принятие решения в наиболее кратчайшие сроки и без нанесения вреда благополучию и интересам ребенка."

"Направление ребенка в интернатное учреждение используется в исключительных случаях как крайняя мера и при наличии доказательств того, что все другие меры по обеспечению ребенка семейным окружением исчерпаны."

"Индивидуальный план по защите ребенка должен содержать:

1) оценку и анализ жизненной ситуации;

2) мероприятия по защите ребенка;

3) прогноз влияния мероприятий по защите ребенка на его развитие и реализацию его прав в долгосрочной перспективе"

"В экстренных случаях, когда имеется прямая угроза жизни и здоровью ребенка (применение физического, психологического, сексуального насилия, жестокое обращение или эксплуатация), территориальное подразделение уполномоченного органа по защите детей совместно с органами внутренних дел принимает неотложные меры по защите ребенка, вплоть до размещения его вне семьи." |

PART 3 - ОСОБЕННОСТИ ЗАЩИТЫ ДЕТЕЙ, ОСТАВШИХСЯ БЕЗ ПОПЕЧЕНИЯ РОДИТЕЛЕЙ

Title	Code of the Kyrgyz Republic on Children
Section	Section 3 - Features of children protection left without parental care
Year of creation	2012 with updates up till 2020
Validity period	2012-Current
Authors (Ministry)	Jogorku Kenesh (Parliament) of the Kyrgyz Republic
Ministry of Justice

Access to document	https://cbd.minjust.gov.kg/203700/edition/1208810/ru
Scopes	Chapter 7. Identification and placement of children left without parental care Chapter 8. Adoption of children Chapter 9. Guardianship and trusteeship of children Chapter 10. Adoptive/Foster family
Bureaucratic processes	The procedure for the formation and maintenance of a state data bank on children left without parental care is determined by the Government of the Kyrgyz Republic. The authorized body for the protection of children documents information about children left without parental care and citizens wishing to accept children into their families for inclusion in the state bank about children left without parental care. A citizen who wishes to adopt a child into his family provides information about himself to the authorized body for the protection of children in order to register him as a candidate for adoptive parents in accordance with the legislation of the Kyrgyz Republic. The authorized body for the protection of children may provide confidential information about children left without parental care, and citizens wishing to adopt children into their families, to the court, prosecutorial authorities, inquiry or investigative bodies, or to the Akyikatchy (Ombudsman) of the Kyrgyz Republic in the manner prescribed legislation of the Kyrgyz Republic. Правом требовать отмены усыновления ребенка обладают его родители, усыновители ребенка, усыновленный ребенок, достигший возраста 14 лет, уполномоченный орган по защите детей, а также прокурор. При отмене усыновления ребенок по решению суда передается родителям. При отсутствии родителей, а также если передача ребенка родителям противоречит его интересам, ребенок передается на попечение уполномоченного органа по защите детей.

	Установление усыновления производится районным судом по месту жительства (нахождения) усыновляемого ребенка по заявлению кандидата в усыновители. Кандидаты в усыновители обязаны лично присутствовать при знакомстве с ребенком, а также непосредственно участвовать на судебном заседании по усыновлению ребенка. Кандидаты в усыновители (если это полная семья, то оба супруга) при знакомстве с ребенком проводят с ним не менее 10 календарных дней. Порядок передачи детей в приемную семью устанавливается Правительством Кыргызской Республики.
Alliances (other stakeholders involved)	The authorized body for the protection of children and the Commission for Children's Affairs, acting in the interests of children in the manner established by the legislation of the Kyrgyz Republic.
Summary	
Keywords	Форма устройства; всесторонняя оценка; семью граждан Кыргызской Республики; усыновление родственникам; передаче в семью; под опеку; в учреждения; иные формы устройства; 10 летнего возраста, согласия; защиты прав и законных интересов; усыновление; воспитание в свои семьи; усыновление иностранными гражданами; обследование условий жизни, желающего усыновить; недопустимость посреднической деятельности; посредническая деятельность, других лиц; не является посреднической деятельностью, деятельность специализированных органов; деятельности органов и организаций иностранных государств; уполномоченных иностранными государствами органов; осуществление посреднической деятельности, устанавливается законодательством; недееспособными или ограниченно дееспособными; лишенных родительских прав; отстраненных от обязанностей; по состоянию здоровья; не имеют дохода, прожиточный минимум; постоянное место жительства; судимость; не состоящие в браке; право родственникам; согласие родителей, опекунов, согласие уполномоченного органа; усыновлении, заявлении, нотариально удостоверенном; родители вправе отозвать согласие; неизвестны, недееспособными, лишены родительских прав; причинам неуважительными; согласие; утрачивают имущественные права; сохранять тайну усыновления ребенка; усыновление отменено,

	уклоняются от обязанностей, злоупотребляют, жестоко обращаются, выявление заболеваний, Отмена усыновления не допускается, совершеннолетия; усыновления, нарушены права; об условиях жизни и воспитания детей; попечительство, содержания, воспитания и образования; опека, 14 лет; попечительство, от 14 до 18 лет; если это возможно, желание самого ребенка; нравственные и иные личные качества; учреждениях, опекуны (попечители) не назначаются; временное помещение, учреждение; контроль за условиями; социальные выплаты; право на жилое помещение; право на содержание, воспитание, образование, развитие, уважение; социальные выплаты; право на получение жилого помещения; опекуну, денежные средства; назначить нескольких опекунов; в течение месяца не назначен опекун; Родители, заявление о назначении их ребенку опекуна; приемная семья, добровольно, совместного проживания; кроме: 1) полномочий по защите имущественных прав; по представлению интересов ребенка в суде; о выезде ребенка за пределы; В приемные семьи, лишены родительских прав, недееспособными или безвестно отсутствующими, осуждены, экстренно изъятые,по состоянию здоровья, учреждениях; оплаты труда приемных родителей; число детей, 5 детей; поддержка приемных семей,привлекать некоммерческие организации; "Приемными родителями, достигшие 30-летнего возраста, но не старше 65 лет; биологические родители; не имеющих постоянного места жительства; приемной семье ежемесячно, денежные средства; заявители, курс обучения; насилию;
Quotes	"Уполномоченный орган по защите детей в течение 10 календарных дней с момента получения сведений или обнаружения факта необходимости защиты ребенка проводит всестороннюю оценку реализации прав ребенка, оценку его семьи и в соответствии с требованиями, установленными настоящим Кодексом, составляет индивидуальный план по защите ребенка, включающий, в том числе, и форму устройства детей." "Уполномоченный орган по защите детей ведет государственный банк данных о детях, оставшихся без попечения родителей, а также оказывает содействие в последующем устройстве ребенка на воспитание в семью граждан Кыргызской Республики, постоянно проживающих на территории Кыргызской Республики, либо на усыновление родственникам детей независимо от гражданства и места жительства этих родственников."

| | "Дети, оставшиеся без попечения родителей, подлежат ==передаче== на ==воспитание в семью== (на усыновление (удочерение), ==под опеку== (попечительство) или в приемную семью), а при отсутствии такой возможности - ==в учреждения== для детей-сирот или детей, оставшихся без попечения родителей, всех типов (воспитательные учреждения, учреждения социальной защиты населения, лечебные учреждения и другие аналогичные учреждения)." |

"==Иные формы устройства== детей, оставшихся без попечения родителей, могут быть предусмотрены законодательством."

"Устройство детей, достигших ==10-летнего возраста==, на ==воспитание в семью== (на усыновление (удочерение), под опеку (попечительство) или в приемную семью) осуществляется только с их ==согласия==."

"Усыновление или удочерение (далее - усыновление) - это мера ==защиты прав и законных интересов== ребенка, который лишен родительской заботы в своем семейном окружении."

"==Усыновление== допускается только как подходящий способ ==защиты прав== детей, в интересах детей, лишенных родительской заботы в своем семейном окружении, а также в наилучших интересах детей."

"Уполномоченный орган по ==защите детей== документирует информацию о детях, оставшихся без попечения родителей, и гражданах, желающих принять детей на ==воспитание в свои семьи==, для включения в государственный банк о детях, оставшихся без попечения родителей."

"==Усыновление== детей ==иностранными гражданами== допускается только в случаях, если не представляется возможным передать этих детей на ==воспитание в семьи== граждан Кыргызской Республики, постоянно проживающих на территории Кыргызской Республики, либо на усыновление родственникам детей независимо от гражданства и места жительства этих родственников."

"Уполномоченный орган по ==защите детей== обязан произвести ==обследование условий жизни== лица, ==желающего усыновить== ребенка, проверить, не имеется ли препятствий для усыновления, будет ли усыновление отвечать интересам ребенка, выявить отношение ребенка к усыновителю, оказать усыновителю содействие в сборе необходимых документов, передать материалы со своим заключением на рассмотрение суда."

"==Недопустимость посреднической деятельности== с коммерческой целью по усыновлению детей."

"Посредническая деятельность с коммерческой целью по усыновлению детей, то есть любая деятельность других лиц в целях подбора и передачи детей на усыновление от имени и в интересах лиц, желающих усыновить детей, не допускается."

"Не является посреднической деятельностью с коммерческой целью по усыновлению детей деятельность специализированных органов по защите детей и органов исполнительной власти по выполнению возложенных на них обязанностей по выявлению и устройству детей, оставшихся без попечения родителей, а также деятельность специально уполномоченных иностранными государствами органов или организаций по усыновлению детей, которая осуществляется на территории Кыргызской Республики в соответствии с международными договорами. Органы и организации, указанные в настоящей части, не могут преследовать в своей деятельности коммерческие цели."

"Порядок деятельности органов и организаций иностранных государств по усыновлению детей на территории Кыргызской Республики и порядок контроля за ее осуществлением устанавливаются Правительством Кыргызской Республики по представлению уполномоченного государственного органа в сфере внешней политики и уполномоченного органа по защите детей."

"Ответственность за осуществление посреднической деятельности с коммерческой целью по усыновлению детей устанавливается законодательством."

"1. Усыновителями могут быть совершеннолетние лица обоего пола, за исключением:

1) лиц, признанных судом недееспособными или ограниченно дееспособными;

3) лиц, лишенных судом родительских прав или ограниченных судом в родительских правах;

4) лиц, отстраненных от обязанностей опекуна (попечителя) за ненадлежащее выполнение возложенных на него законом обязанностей;

6) лиц, которые по состоянию здоровья не могут осуществлять родительские права. Перечень заболеваний, при наличии которых лицо не может усыновить ребенка, принять его под опеку (попечительство), взять в приемную семью, устанавливается Правительством Кыргызской Республики;

7) лиц, которые на момент усыновления не имеют дохода, обеспечивающего усыновляемому ребенку прожиточный минимум, установленный в Кыргызской Республике;

8) лиц, не имеющих постоянного места жительства, а также жилого помещения, отвечающего установленным санитарным и техническим требованиям;

9) лиц, имеющих на момент усыновления судимость за умышленное преступление против жизни или здоровья граждан;"

"2. Лица, не состоящие между собой в браке, не могут совместно усыновить одного и того же ребенка."

"3. При наличии нескольких лиц, желающих усыновить одного и того же ребенка, преимущественное право предоставляется родственникам ребенка при условии обязательного соблюдения требований частей 1 и 2 настоящей статьи и интересов усыновляемого ребенка."

"1. Для усыновления ребенка необходимо согласие его родителей. При усыновлении ребенка несовершеннолетних родителей, не достигших возраста 16 лет, необходимо также согласие их родителей или опекунов (попечителей), а при отсутствии родителей или опекунов (попечителей) - согласие уполномоченного органа по защите детей."

"Согласие родителей на усыновление ребенка должно быть выражено в заявлении, нотариально удостоверенном или заверенном руководителем учреждения, в котором находится ребенок, оставшийся без попечения родителей, либо уполномоченным органом по защите детей по месту производства усыновления ребенка или по месту жительства родителей."

"Родители вправе отозвать данное ими согласие на усыновление ребенка до вынесения решения судом о его усыновлении."

"Не требуется согласие родителей ребенка на его усыновление в случаях, если они:

- неизвестны или признаны судом безвестно отсутствующими;

- признаны судом недееспособными;

- лишены судом родительских прав и с момента лишения родительских прав прошло 6 месяцев;

- по причинам, признанным судом неуважительными, более 6 месяцев не проживают совместно с ребенком и уклоняются от его воспитания и содержания."

"1. Для усыновления ребенка, достигшего возраста 10 лет, необходимо его согласие."

"2. Усыновленные дети утрачивают личные неимущественные и имущественные права и освобождаются от обязанностей по отношению к своим родителям (своим родственникам)."

"1. Тайна усыновления ребенка охраняется законом.

"Должностные лица, вынесшие решение об усыновлении ребенка или осуществившие государственную регистрацию усыновления, а также лица, иным образом осведомленные об усыновлении, обязаны сохранять тайну усыновления ребенка."

"Усыновление ребенка может быть отменено в случаях, если усыновители уклоняются от выполнения возложенных на них обязанностей родителей, злоупотребляют родительскими правами, жестоко обращаются с усыновленным ребенком, а также в случае выявления у них заболеваний согласно перечню, утвержденному Правительством Кыргызской Республики. Порядок отмены усыновления ребенка устанавливается Правительством Кыргызской Республики."

"Отмена усыновления ребенка не допускается, если к моменту предъявления требования об отмене усыновления усыновленный ребенок достиг совершеннолетия, за исключением случаев, когда на такую отмену имеется взаимное согласие усыновителя и усыновленного ребенка, а также родителей усыновленного ребенка, если они живы, не лишены родительских прав или не признаны судом недееспособными."

"В случае если в результате усыновления могут быть нарушены права ребенка, установленные законодательством Кыргызской Республики и международными договорами, усыновление не может быть произведено независимо от гражданства усыновителя, а произведенное усыновление подлежит отмене в судебном порядке."

"Компетентными органами государств, на территории которых проживают усыновленные дети, принявшими на себя обязательства по осуществлению контроля за условиями жизни и воспитания усыновленных детей, либо соответствующими иностранными организациями по усыновлению, аккредитованными в Кыргызской Республике, в уполномоченный орган по защите детей Кыргызской Республики направляются отчеты об условиях жизни и воспитания детей в семьях усыновителей."

"Опека или попечительство устанавливаются над детьми, оставшимися без попечения родителей (статья 40 настоящего Кодекса), в целях их содержания, воспитания и образования, а также для защиты их прав и интересов."

"Опека устанавливается над детьми, не достигшими возраста 14 лет."

"Попечительство устанавливается над детьми в возрасте от 14 до 18 лет."

"При назначении ребенку опекуна (попечителя) учитываются нравственные и иные личные качества опекуна (попечителя), способность его к выполнению обязанностей опекуна (попечителя), отношения между опекуном (попечителем) и ребенком, отношение к ребенку членов семьи опекуна (попечителя), а также, если это возможно, желание самого ребенка."

"Детям, находящимся в воспитательных учреждениях, лечебных учреждениях, учреждениях социальной защиты населения и других аналогичных учреждениях, вне зависимости от форм собственности, опекуны (попечители) не назначаются. Выполнение их обязанностей возлагается на руководителей этих учреждений."

"Временное помещение ребенка опекуном (попечителем) в такое учреждение не прекращает прав и обязанностей опекуна (попечителя) в отношении этого ребенка."

"Уполномоченный орган по защите детей осуществляет контроль за условиями содержания, воспитания и образования детей, находящихся в учреждениях, указанных в части 1 настоящей статьи."

"на причитающиеся им алименты, пенсии, пособия и другие социальные выплаты;"

"на сохранение права собственности на жилое помещение или права пользования жилым помещением, а при отсутствии жилого помещения имеют право на получение жилого помещения в соответствии с жилищным законодательством;"

"Дети, оставшиеся без попечения родителей и находящиеся в воспитательных учреждениях, лечебных учреждениях, учреждениях социальной защиты населения и других аналогичных учреждениях, вне зависимости от форм собственности, имеют право: 1) на содержание, воспитание, образование, всестороннее развитие, уважение их человеческого достоинства, обеспечение их интересов;"

"На причитающиеся им алименты, пенсии, пособия и другие ==социальные выплаты==, которые перечисляются на личные депозитные накопительные счета до достижения ими 18 лет;"

"на сохранение права собственности на жилое помещение или права пользования жилым помещением, а при отсутствии жилого помещения имеют ==право на получение жилого помещения== в соответствии с жилищным законодательством;"

"На содержание ребенка ==опекуну== (попечителю) ежемесячно выплачиваются ==денежные средства== в порядке и размере, установленных Правительством Кыргызской Республики."

"Суд по заключению уполномоченного органа по ==защите детей,== исходя из интересов лица, нуждающегося в установлении над ним опеки или попечительства, может ==назначить== ему ==нескольких опекунов== или попечителей, в том числе при устройстве в семью на ==воспитание детей,== оставшихся без попечения родителей."

"Если лицу, нуждающемуся в опеке или попечительстве, ==в течение месяца не назначен опекун== или попечитель, исполнение обязанностей опекуна или попечителя временно возлагается на уполномоченным орган по ==защите детей==."

"==Родители== могут подать в уполномоченный орган по ==защите детей== совместное ==заявление о назначении их ребенку опекуна== или попечителя на период, когда по уважительным причинам они не смогут исполнять свои родительские обязанности, с указанием конкретного лица. В акте суда о назначении опекуна или попечителя по заявлению родителей должен быть указан срок действия полномочий опекуна или попечителя."

Статья 80. Образование приемной семьи

"==Приемная семья== образуется по желанию граждан (супругов или отдельного лица), которые ==добровольно== берут для воспитания и ==совместного проживания== в семье детей-сирот и детей, оставшихся без попечения родителей, в том числе находящихся в воспитательном учреждении, лечебном учреждении, учреждении социальной защиты населения или другом аналогичном учреждении, на основании договора."

"Приемный родитель обладает правами и обязанностями родителей, ==кроме:==

1) ==полномочий по защите имущественных прав== несовершеннолетнего (за исключением права распоряжаться причитающимися

несовершеннолетнему денежными средствами на текущее его содержание)"

"2) полномочий по представлению интересов ребенка в суде при рассмотрении судом дел о лишении (ограничении) родителей родительских прав;"

"3) полномочий по решению вопроса о выезде ребенка за пределы Кыргызской Республики."

"5. В приемные семьи направляются дети-сироты и дети, оставшиеся без попечения родителей, то есть дети:

1) родители которых лишены родительских прав; 2) родители которых признаны в установленном порядке недееспособными или безвестно отсутствующими;

3) родители которых осуждены; 4) экстренно изъятые из семей, где существует угроза их жизни, психическому и физическому здоровью (подвергшиеся физическому, сексуальному и психологическому насилию);

5) родители которых по состоянию здоровья не могут лично осуществлять их воспитание и содержание, а также дети, оставшиеся без попечения родителей, находящиеся в воспитательных, лечебно-профилактических учреждениях, учреждениях социальной защиты населения или других аналогичных учреждениях вне зависимости от форм собственности;"

"Размер оплаты труда приемных родителей устанавливается законодательством Кыргызской Республики и осуществляется за счет средств республиканского бюджета."

"4. Общее число детей в приемной семье, включая родных и приемных, не должно превышать 5 человек."

"Оценка, обучение, утверждение, сопровождение и поддержка приемных семей производятся уполномоченным органом по защите детей. В осуществлении своей деятельности уполномоченный орган по защите детей может привлекать независимых экспертов, некоммерческие организации на договорной основе."

"Приемными родителями (родителем) могут быть граждане Кыргызской Республики, достигшие 30-летнего возраста, но не старше 65 лет, прошедшие оценку, обучение, отбор и получившие заключение уполномоченного органа по защите детей о возможности стать приемными родителями, одобренные Комиссией по делам детей, за исключением:"

	8) лиц, <mark>не имеющих постоянного места жительства</mark>, а также жилого помещения, отвечающего установленным санитарно-техническим требованиям;
	<mark>6) биологические родители;</mark>
	<mark>11) лиц без гражданства и иностранных граждан.</mark>
	"На содержание каждого ребенка <mark>приемной семье ежемесячно</mark> выплачиваются <mark>денежные средства</mark> в порядке и размере, установленных Правительством Кыргызской Республики."
	"<mark>Заявители</mark> должны пройти <mark>курс обучения</mark> по подготовке приемных родителей. Курс обучения организуется и проводится уполномоченным органом по <mark>защите детей</mark> либо независимыми специалистами, некоммерческими организациями, привлеченными уполномоченным органом по <mark>защите детей</mark> на договорной основе."

PART 4 - ЮСТИЦИЯ ДЛЯ ДЕТЕЙ

Title	Code of the Kyrgyz Republic on Children
Section	Section 4 - Justice for children
Year of creation	2012 with updates up till 2020
Validity period	2012-Current
Authors (Ministry)	Jogorku Kenesh (Parliament) of the Kyrgyz Republic Ministry of Justice
Access to document	https://cbd.minjust.gov.kg/203700/edition/1208810/ru
Scopes	Chapter 11. Features of the protection of children in conflict with the law Chapter 12. Features of the protection of children who are a victim of violence or crime
Bureaucratic processes	Juvenile justice is understood as a system of measures in relation to children in conflict with the law, which includes issues of prevention of offenses, poisoning of justice, rehabilitation and social reintegration, taking into account sexual age, physical and mental features of their development.

Alliances (other stakeholders involved)	1. The system of juvenile justice consists of representatives of the following bodies and institutions: 1) the interdepartmental coordination council for juvenile justice; 2) the authorized body for the protection of children; 3) Akiyatchi (Ombudsman) of the Kyrgyz Republic; 4) the prosecutor's office; 5) a specialized court for minors; 6) the internal affairs body; 7) a lawyer; 8) healthcare authorities; 9) education; 10) the state body of social insurance; 11) the state body on the activities of the criminal-executive (penitentiary) system; 12) a state body in the field of labor, employment and migration; 12-1) a state body in the field of testing; 13) local government; 14) state and non -state centers for minors in conflict with the law.
Summary	
Keywords	Реализация прав и законных интересов; всесторонней социализации и реинтеграции; благоприятной и естественной среды воспитания; запрета и предотвращения от всех форм насилия; медицинская, правовая, психологическая помощь; обеспечить помещение, в безопасное место; пострадавшему от насилия; жертвой насилия;
Quotes	"Каждому ребенку, находящемуся в конфликте с законом, а также являющемуся потерпевшим, свидетелем по уголовному делу, гарантируется реализация его прав и законных интересов, включая условия конфиденциальности и проявления уважительного отношения к нему, исключающего унижение его человеческого достоинства в какой-либо форме." "создания условий для всесторонней социализации и реинтеграции несовершеннолетнего для его наилучшего развития;" "оказания государственного содействия семье для создания благоприятной и естественной среды воспитания несовершеннолетнего;"

	"<mark>запрета и предотвращения от всех форм насилия</mark> при отправлении правосудия в отношении несовершеннолетних, находящихся в конфликте с законом;" "Статья 100. Государственная помощь, оказываемая детям, подвергшимся <mark>насилию</mark> 1. Ребенку, <mark>пострадавшему от насилия</mark> и (или) жестокого обращения, в обязательном порядке должна быть предоставлена <mark>медицинская, правовая, психологическая помощь,</mark> необходимая для восстановления его физического здоровья и психологического благополучия, а также его последующая реабилитация в соответствии с законодательством Кыргызской Республики." "Статья 102. <mark>Защита ребенка, пострадавшего от насилия</mark> и жестокого обращения 1. В случае наличия угрозы жизни или здоровью ребенка, являющемуся <mark>жертвой насилия</mark> или преступления, лица, выявившие данное обстоятельство, обязаны <mark>обеспечить помещение</mark> несовершеннолетнего <mark>в безопасное место</mark>, определенное уполномоченным органом по <mark>защите детей</mark>."

Annex 2: The script of semi-structured interview questions

Research question: "How do Kyrgyzstan᾽s **governmental policies** provide protection towards vulnerable children? Do these current policies reinforce the **institutionalization** of vulnerable children, while hindering the possibilities of a transition towards **alternative forms of protection and care**?"

Welcoming: Welcoming of interview participants and reminding of consent forms´ notions before initializing the process of interview itself.

Questions:

- **Theme: Organizational (from previous policy analysis, MIRO)**

Learning about their work trajectory

Obstacles - motives

On what basis and motives, interests

How does it feel for you to work in the field of protection and care towards vulnerable children?

- **Theme: Alternative protection (from previous policy analysis, MIRO)**

What to do to protect them

Ways of supporting - build a support system - a family - community

WHAT DO YOU DO: What are the actions and projects carried out by your organization on the practices of care and protection towards vulnerable children?

On which approaches do you usually base your initiatives, family, community?

- **Theme: Comprehensive child development (from previous policy analysis, MIRO)**

Why is it relevant - to you - to society - to the children

What is missing to have a better scope - reach

How vulnerable children receive levels of your benefits, what are the differences?

How do your initiatives specifically impact children, society, and resonate with you personally?

What do you think are the challenges and obstacles to have a further scope and reachability towards children and your objectives? With which obstacles on the way of your work do you usually face?

- **Theme: Partnership (from previous policy analysis, MIRO)**

How are the policies connected to your work - are they a framework, an obstacle,

a standard ?

Could you explain how state policies are connected to your initiatives?

Do you see them as a framework to build upon, or do they sometimes pose obstacles?

How do you think or what should be done to overcome obstacles or recommendations to the policies towards vulnerable children?

Do you think the governmental policies reinforce institutionalisation of children in the orphanages and hinder other forms of care, protection?

- **Theme: Control and monitoring (from previous policy analysis, MIRO)**

Streamline the process to access more kids

How to assess the impacts of the projects - continue to improve (streamline process)

*Beware of classification or categorization

How do you assess the effectiveness of your action plan?

Do you think you are accomplishing your goals and objectives?

What would help you to open up more access to more children?

If you don't classify and categorize needs, what are your reasons for not doing so?

Russian version

Добрый день, как у вас дела? Спасибо вам огромное что согласились принять участие в интервью. Как было указано в форме согласия которую я вам отправила во время этого интервью гарантируется ваша конфиденциальность и защита персональных данных. Также будет вестить онлайн запись но она не будет нигде опубликована и распространена. После 8 августа 2024 года все записи будут удалены.

Хотелось бы начать с первого вопроса и узнать про ваш личный путь.

- **Theme: Organizational (from previous policy analysis, MIRO)**

Каким образом вы попали в сферу защиты детей? Ваша личная история?

Почему вы решили посвятить свой путь защите и заботе детей в трудных жизненных ситуациях?

- **Theme: Alternative protection (from previous policy analysis, MIRO)**

Что вы и ваша организация делает для защиты и заботы детей в трудных жизненных ситуациях?

Есть ли в вашей организации другие виды защиты которые могут отличаться от обычных?

На каких мотивах и ценностях вы строите базу и фундамент для поддержки и заботы детей, у которых отсутствует система защиты?

- **Theme: Comprehensive child development (from previous policy analysis, MIRO)**

На каких уровнях дети получают ваши пособия и какие есть отличия?

Как ваши инициативы влияют на детей, общество и на вас лично?

- **Theme: Partnership (from previous policy analysis, MIRO)**

Можете пожалуйста поделиться насколько ваша инициатива связана с государственными законами и кодексами по защите уязвимых детей?

Видите ли вы в эти законах основу, на которую можно опираться при запуске проектов, или они иногда создают препятствия?

Считаете ли вы, что государственные законы и кодексы способствуют размещению детей в детские дома и препятствует другим формам заботы и защиты?

С какими проблемами и препятствиями для расширения масштабов и охвата детей и достижения ваших целей вы сталкиваетесь часто на своем пути?

Как вы думаете, что нужно сделать, чтобы преодолеть эти препятствия и какие рекомендации в законах должны быть внесены в отношении уязвимых детей?

- **Theme: Control and monitoring (from previous policy analysis, MIRO)**

Как вы оцениваете воздействие и эффективность ваших проектов?

Что помогло бы вам открыть и расширить доступ для охвата большего количества детей?

<u>Annex 3: The consent and ethical considerations form sent to experts before the interview can be accessed through this link</u>

Kurak: Causal Loop Diagram for understanding Institutionalisation of Vulnerable Children in Kyrgyzstan.

Glimpse into social protection measures of children in Kyrgyzstan and understanding institutionalisation practices. Developed by: Gulzar Muratalyeva, 2024.