System, in support of children without parental care in Kyrgyzstan

Prepared by Kyrgyzstan Country Statistical Team
Co-ordinator: National Statistical Committee, Bishkek

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KYRGYZSTAN

Mechanisms for rendering assistance to children without parental care

The international community recognises each child as a fully-fledged person in law who, for full and harmonious development, needs to grow up in a family environment, in an atmosphere of happiness, love and understanding. For this reason, the UN Convention on the Rights of the Child focuses particular attention on family upbringing and upbringing outside the family is regarded as an exceptional measure, since it is precisely the family that constitutes the unique foundation for social relations and emotional development.

The system of state care for children existing in Kyrgyzstan at the end of the 1980s, like that in all the other republics of the former Soviet Union, rested on an obsolete practice of placing children in institutional care, which often led to them losing completely any family ties and did not comply with the requirements of protecting the children. In rendering of assistance to children without parental care, reliance was made primarily on institutional care, rather than upbringing in a foster family. This reflected the Communist ideological thesis that the team prevails over the individual. During that period, adoption was rarely used as an alternative to state care. Stress was laid everywhere on development of residential institutions, to the detriment of services rendering assistance directly to families, at home. The systems of social services assisting the family were not developed, though these would have reduced the need for children to be put into state care. From the beginning of the political transformations, it became clear that the entire system of child protection was in need of fundamental reform.

Since it acquired independence, the Kyrgyz Republic has travelled a difficult path, in the process of which the social security and welfare system changed in accordance with the new realities of life. The transition to the market engendered a crisis situation and a fall in the indicators of human development. Economic difficulties connected with the transition to the market were exacerbated by disruption of the economic links between the countries of the former Soviet Union. During the reform years, political and economic changes occurred that exerted an exceptionally strong impact on all aspects of the life of society. Alongside indubitable progress in the foundations of the life of society, these large-scale, historic changes faced Kyrgyzstan with new problems.

As a result of the transitional period, we have a number of negative social consequences, such a stratification of society, review by social groups of their own interests, economic instability, a deterioration in the standard of living, a falling of moral principles, social pessimism, with families and children suffering most from this. Child crime and social orphanhood are growing and cheap child labour in the fields and at markets has become widespread.

In view of the transition from one economic system to another, entailing a decline in family values and principles, and as a result of the economic instability of the state, categories have appeared of socially unpromising, difficult and unsupervised children and families, migrant children, refugee children and others. The regulation of the problems involved in their legal relations have not been and could not be reflected in individual legislative acts. Families dropped out of their customary social environment, social problems have been exacerbated, internal reserves for resolving them and for adaptation to the changed conditions proved inadequate, and this, in many cases, accounted for the rise in alcoholism and drug addiction. New complex tasks not characteristic of our previous society appeared in providing protection for children and support and assistance for families.

The official child care system

Children who, either for a short or a protracted period of time, are unable to live with their parents constitute a particularly vulnerable group. In such a situation, they become totally dependent on the
state, which through its system of “substitute care”, provides for their upbringing and welfare. “Substitute care” means placement in a foster family and guardianship, as well as in children’s institutions and for adoption. Adopted children are not deemed to require state care, since adoption involves transfer of parental duties to the adoptive parents.

In spite of the falling birth rate in the early 1990s, as well as the increase in population migration, over the last fifteen years, the number of children in state care has risen by 24%. The data testify to a tendency for a rise in the overall numbers of children not living with their parents but in state and non-state institutions, in the care of non-governmental organisations, in foster families or as wards. The situation is alarming, considering the nation’s cultural and historical traditions, the important role of national customs in bringing up children and stronger kinship ties.

The proportion of children brought up within the framework of the official care system, per 100,000 of the population, has risen by 26% since 1992. Currently, about 22,000 “risk group” children live in infants’ homes, children’s homes, homes for disabled children, residential schools, and schools for physically or mentally handicapped children. The ratio of children living in residential institutions to the number of children being brought up within the official care system during the period under analysis has dropped by almost 3%. A fall in this indicator was observed in 1994 and in 2002, but since 2003 it has started to rise again and currently stands at over 75%. (Table 1).

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<tr>
<th>Table 1. Children brought up within the official care system</th>
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<td>Number of children brought up within the official care system (per 100,000 of the population between the ages of 0-17 years)</td>
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<td>Percentage of all children brought up within the official care system and living in institutions</td>
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Residents of children’s institutions include full orphans and disabled children placed in state care by their parents, but a large proportion of them are so-called “social orphans”. The growing scale of this phenomenon is a cause for particular concern. The category of social orphans includes children with live parents (mother or father) who, for a more or less extended period of time, are unable or do not wish to care for their children, for a variety of reasons: sickness, child abandonment, incarceration, neglect of parental duties, doing harm by improper upbringing, and so on.

According to the statistics, during 2005, about 3,200 children left without parental care aged up to 18 years were identified in the Kyrgyz Republic, which was 1.4 times more than in 1990. Of these children, over 45% were full orphans.

There is an increased risk of loss of family ties for infants and younger age children living in infants’ homes. Over the last fifteen years, their numbers have gone up somewhat (by 9%). Difficult economic circumstances, absence of a well-thought-out ideology, and a deterioration in the moral and spiritual foundations of family relations have engendered the problem of parents abandoning
their children. In 2000, for instance, 246 cases were registered of parents refusing to support their children and in 2004 – 188, but these are only the reported cases.

It should be noted that there exists a real risk of underestimating the number of children left without parental care. The official statistics refer to those children who are actually covered by the state care system. At the same time, there is a group of children deprived of an opportunity to be brought up within the family who are not taken into account. These include street children or children resident in new types of non-state children’s institutions: rehabilitation centres for homeless children, social rehabilitation centres for disabled children and others. In addition, there is a lack of information about the average time spent by children in state care, when they enter and when they leave residential institutions.

Statistical data on children deprived of a family upbringing and living in a variety of institutions are gathered by different departments. Risk-group children fall within the jurisdiction of several government structures: the Ministry of Health of the Kyrgyz Republic (children aged 0-4 years), the Ministry of Education, Science and Youth Policy of the Kyrgyz Republic (children left without parental care, orphans and physically or mentally handicapped children) and the Ministry for Labour and Social Protection (disabled children). Juvenile delinquents from troubled families are the concern of the Inspectorate for Juvenile Affairs under the Ministry of the Interior of the Kyrgyz Republic, its main responsibility being to organise work to prevent neglect and crimes among minors.

As can be seen from Graph 1, over the last decade, there has been no shift towards a family upbringing by means of children being taken into guardianship or trusteeship. On the contrary, there has been a tendency for the proportion of children placed in the care of residential institutions to increase, in spite of the drop in the number of children under 17 years. At the same time, during this period insignificant rises and falls were observed in the proportion of children in foster families.

The absence of any radical changes in the official care system testifies to the need for reform of the system of child welfare and protection. The problems of children without parental care are still resolved by emergency measures, meaning their placement in state (rarely non-state) residential institutions. Although an awareness is growing in society that, for the purpose of reforming the institutional care system, alternative forms of child placement should be developed: family support
centres, small family homes for children and young people, foster homes for long-term and short-
term residence, adoption, temporary homes for supporting families that care for their disabled
dead children at home, inclusive health centres in elementary schools for children with mental disorders
and so on.

When considering the state of affairs in the sphere of institutional care, account must also be taken
of the quality of the care provided in children’s institutions. The information available on this issue:
data on financing of state institutions for children, information on the conditions in which they live
there, received in the course of inspections and surveys performed by various organisations, as well
as publication in the mass media and so on, reveals a multitude of problems. Existing institutions
are suffering financial difficulties; their material and technical bases and equipment are out of date
and require replacement. The majority of children in such institutions are not fed properly, or
provided with adequate heating, clothing, footwear and bedding. As a rule, the residents of
children’s homes and residential homes are sick more often than children of the same age in
prosperous families. The rise in the demand for additional financing is also connected with the poor
quality of the infrastructure and services. The situation in the sphere of state care for children is
cause for alarm and concern since this form of care is being applied increasingly.

Financial outlays on children in state institutions is an indicator of costs in the state care system. As
can be seen from Graph 2, over fifteen years, state expenditure on care for children in children’s
institutions, as a percentage of GDP, fell by half (50%). At the same time, in 2005, the total sum of
outlays for this purpose was somewhat higher than in 2000 and amounted to 205 million Soms
(0.2% of the GDP). Of this sum, the share of allocations for infants’ homes amounted to 5.4%,
children’s homes and residential schools – 66.3%, and schools for physically or mentally
handicapped children – 28.3%. The cut in the financing of residential institutions was largely
responsible for the drop in the quality of the care provided within this system. Against the
background of the falling quality of care, a tendency is observed for the number of children in such
institutions to rise.

Graph 2. State budget expenditures on children in state care
institutions, as a % of the GDP

In order to improve the quality of care, alongside the growing demands for financing, a need arises
to apply approaches within the system that are based on consideration for the rights of the child,
treating the child as an individual and an increase in the contacts between the children and their
families. Moreover, in connection with the appearance of new-type institutions for children (such as
family homes), mechanisms should be created for monitoring their activities and observance of the care rules and regulations. One of the first steps in this direction should be development of standards for maintenance and the quality of the diverse services provided in state and non-state children’s residential institutions.

The introduction of the institution of ombudsman in the country was an important event that will facilitate control over a due level of child care in residential institutions, and exercise of independent monitoring of the situation in this sphere. The tasks of the Ombudsman (Akiykatchy) of the Kyrgyz Republic include: protection of the rights and freedoms of children; exercise of control over observance by state and local government officials of the rights and freedoms of children; prevention of violations of the rights and freedoms of children and assistance in restoring them; prevention of any forms of discrimination in the process of exercise by children of their rights and freedoms; promotion of children’s knowledge of the law.

The Ombudsman (Akiykatchy) of the Kyrgyz Republic is assigned extensive powers, including:

- to consider applications and complaints about violations of the rights of children and to inform the applicant(s) of the results of the check on applications and complaints submitted by both children and other persons;
- to inform officials of authorised state agencies, including the public prosecutor, of cases of violation of the rights and lawful interests of children and demand an immediate review of them;
- to attend court hearings of all instances, provided the defendant agrees, and in consideration of the requirements of the procedural legislation;
- to apply to a court of law for protection of the rights and freedoms of a child (children), who, by virtue of his/her (their) state of health or other good reasons cannot represent his/her (their) own interests in the court proceedings, in cases and in the manner established by law;
- to send to the relevant authorities, response statements for them to take appropriate measures in the event that violations are identified of the rights and freedoms of children;
- to verify the state of observance of the established rights and freedoms of children by relevant state authorities, including those performing operational and investigatory activities.

In addition, the inspectorate for children’s rights under the Ombudsman (Akiykatchy) of the Kyrgyz Republic makes annual charitable visits to children’s homes, particularly the Belovodsky psycho-neurological children’s home.

The Ministry of Labour and Social Protection of the Kyrgyz Republic is actively introducing, nationwide, experience of working with families and children gathered during implementation of the Project to set up departments for support of the family and children under regional social protection departments in the Osh and Talas regions, which was implemented by the branch of the international organisation “Every Child” in the Kyrgyz Republic. Implementation of the given project demonstrated the effectiveness of the mechanism of inter-sectoral interaction in rendering social support in the sphere of protection of children’s rights and interests. In the said regions, the social protection services are actively interacting with the healthcare and educational services, the Ministry of the Interior and local government bodies.

Today, the regulatory and legal base for providing for the rights of the child has, to a substantial extent, already been created, so it is now an urgent task to implement it in full and consistently,
including development of administrative procedures and financial and economic provision for regulatory and legal acts. All the national legislation that has been passed and enacted facilitates exercise of the rights of the child. The legislation of the Kyrgyz Republic in the sphere of guaranteeing the rights of the child includes the Constitution of the Kyrgyz Republic, the Children’s Code and other regulatory and legal acts of the Kyrgyz Republic.

Kyrgyzstan acceded to the international movement for protection of the rights of the child and, in 1994, ratified the *Convention on the Rights of the Child*, which became the starting point for forming the legislation on protection of the rights and lawful interests of children. In addition, virtually all the main international treaties on human rights have been ratified and country reports on these are presented in a timely manner.

The main role in distributing information about the principles and provisions of the Convention on the Rights of the Child among adults and children is played by the Government of the Kyrgyz Republic, the Ministry of Education, Science and Culture of the Kyrgyz Republic, the Ministry of Health of the Kyrgyz Republic, the Ministry of the Interior of the Kyrgyz Republic, the Prosecutor General of the Kyrgyz Republic, the mass media, as well as non-governmental and international organisations (UNICEF, the United Nations Development Programme, the European Children’s Fund, and “Save the Children” (Britain)). For the purpose of informing officials of the contents of the Convention, as well as training professional groups working with children and in their interests, workshops, conferences, trainings and reports in the mass media involving education, health, labour and social protection professionals, law enforcement agencies, non-governmental and international organisations, are held on a regular basis.

The first practical step taken towards implementing the goals and tasks declared by the Convention consisted of approval by the Government of the Kyrgyz Republic in August 2001 of the State Programme for protection of the rights of children in Kyrgyzstan named “New Generation”, which established the specific list of measures up to the year 2010 in the sphere of protection of the rights of the child. The purpose of the programme, developed in conjunction with international organisations and civil society, is to create conditions guaranteeing the survival, growth and comprehensive development of all children in Kyrgyzstan, their participation in the life of society, and a strengthening of the moral upbringing of the coming generation. In order to achieve these objectives, further improvement is required of the legislation, as well as formation of a management mechanism, provision for sustainable financing of the measures under the programme, coordination of the efforts of all participants and greater responsibility on the part of the executive authorities.

One of the main strategic tasks currently being tackled by the Government of the Kyrgyz Republic is priority attention to the problems of children in particularly difficult circumstances – of orphaned children and disabled children. An expansion is being considered of the forms of assistance rendered to these categories of children on the basis of a new doctrine – a more humane treatment of such children founded on respect for the rights of the child and their maximum possible integration into the family and society.

Over the last few years, work has been under way to improve the legislation in the sphere of guaranteeing the rights and interests of children and bring it into line with international rules of law. In this connection, it is of fundamental importance to develop the following regulatory and legal acts:

- new version of the Family Code of the Kyrgyz Republic;
- new version of the Labour Code of the Kyrgyz Republic;
- new version of the Civil Code of the Kyrgyz Republic;
• the Kyrgyz Republic Law on Socio-Legal Protection from Domestic Violence;
• the Kyrgyz Republic Law on Education;
• the Kyrgyz Republic Law on Ratification of Convention No. 182 of the International Labour Organisation on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
• Resolution of the Government of the Kyrgyz Republic No. 541, dated 25 August 2003, on the Coordinating Council on Questions of Child Labour in the Kyrgyz Republic;
• Resolution of the Government of the Kyrgyz Republic No. 121, dated 22 February 2006, on Approval of the Regulations on the Order of Putting Up Children Left without Parental Care for Adoption by Citizens of the Kyrgyz Republic, as well as by Foreign Citizens;
• Resolution of the Government of the Kyrgyz Republic No. 547, dated 1 August 2006, on Approval of the Regulations on the Guardianship and Trusteeship Agencies;

The following are determined as urgent measures in the sphere of social protection of risk group children, as well as in further development of the regulatory and legal base providing for introduction of new mechanisms ensuring access to education for this group:

• Elaboration of a draft Resolution of the Government of the Kyrgyz Republic on substitute families (patronate, foster, adoptive, guardian) and corresponding Regulations;
• Elaboration of the Regulations “On non-state children’s institutions of a residential type”, envisaging fulfilment thereby of set state standards for education and upbringing, as well as placement of children in families;
• Elaboration of standards for the contents and the quality of the diverse services rendered in state and non-state children’s institutions of a residential type;
• Introduction into the study programmes of children’s homes and residential institutions for children deprived of parental care of a subject entitled “Social and domestic orientation”;
• Bringing of the following regulations into line with the Family Code and the Children’s Code: “On Adoption”, “On Social and Family Foster Care”, “On Guardianship and Trusteeship of Minors”, “On the Social Pedagogue” and “On the Social Worker”;
• Education and training of social workers in working with children (short-term courses, young social worker deposit, students);
• Training of heads of local government authorities, social protection bodies, education departments, Departments of the Interior, family medical centres, non-governmental organisations and others;
• Elaboration of a comprehensive programme envisaging measures for supporting non-governmental organisations, working with specific categories of children (granting of land, water, electric power and other benefits);

• Creation of databases of categories of children, of non-governmental organisations and all structures dealing with the given problem, etc.

In recent years, the difficult socio-economic situation in Kyrgyzstan has exacerbated problems in the sphere of child protection. In connection with the need for immediate response and resolving of existing issues, the Administration of the President of the Kyrgyz Republic and the Government of the Kyrgyz Republic organized the First Nationwide Forum “The Position of Children in Kyrgyzstan: Reality and Prospects” in December 2005 in Bishkek. The forum gave an objective assessment of the current situation in the country and developed urgent measures for improving the position of children.

The Forum was held with the support of the United Nations Children’s Fund in Kyrgyzstan (UNICEF), the Swedish International Development Agency (SIDA), and the Association of Social Workers of Kyrgyzstan. The participants in the Nationwide Forum were representatives of state structures, local government bodies, non-governmental, public and international organisations, as well as political parties.

In drafting the Resolution of the Forum, the participants adhered to the UN principles and resolutions on the rights of the child adopted by the UN member states, the UN Declaration on Millennium Development Goals and the Targets of the final document of the Special Session of the UN General Assembly “A World Fit for Children”.

The Resolution noted that the position of children in the Kyrgyz Republic today is incompatible with their internationally recognised rights. Cause for both alarm and concern are such phenomena as: the growth of crime among children, the steady rise in the level of child poverty, child neglect and homelessness, the increase in the number of children not attending school, the drop in the quality of education, the weakening of educational work and drop in the moral status of society, the fall in the responsibility of parents and state structures for the upbringing and development of children, the ineffectiveness of state social policy and the absence of appropriate measures for supporting vulnerable families and children, as well as the absence of innovative alternative forms of family upbringing (foster upbringing).

The participants in the forum noted that the family, as the key unit in society, should be supplied with the necessary state protection and support in order to be able to assume fully all obligations with respect to providing for the growth, development and welfare of its members, above all children.

The main goals of state child and family policy were determined:

• Introduction into the Constitution of the Kyrgyz Republic of articles pertaining to the responsibility of the state and of society for the upbringing of and care for children;

• Consideration of and provision for the interests of children in all regulatory and legal acts, national programmes, and development plans, in the strategy for economic development and reducing poverty in particular;

• Provision for mandatory participation by the institutions of civil society in the discussion of state programmes, strategies and budgets at the local and national levels;
• Performance of regular monitoring, elaboration and implementation of state strategies and programmes, using indicators created on the basis of the UN Convention on the Rights of the Child, by both state authorities, and civil society;

• Performance by non-governmental organisations of social expert examination of laws and the budget as a mandatory procedure at each stage of their elaboration and adoption;

• Strengthening of the national institutional mechanism for protection and development of the family and children;

• Exercise of the rights of the children of Kyrgyzstan in accordance with the Convention on the rights of the child, other international Conventions and the national legislation.

The participants in the Forum submitted proposals to the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic, Zhogorku Kenesh (Parliament) of the Kyrgyz Republic, the Akiykatchy (Ombudsman) of the Kyrgyz Republic, local government bodies, the National Statistics Committee of the Kyrgyz Republic, the mass media, civil society and international organisations.

In consideration of the proposals and recommendations elaborated at the First Nationwide Forum “The Position of Children in Kyrgyzstan: Reality and Prospects”, in January 2006, by Decree of the President of the Kyrgyz Republic No. 24, the Plan of Urgent Measures to improve the position of children in the Kyrgyz Republic in 2006 was approved.

In accordance with the Plan for improving the position of orphaned children and of children left without parental care, as well as of disabled children, the following goals must be attained:

1. Creation of a system for guaranteeing and protecting the rights of children;
2. Guaranteed access for children to healthcare services;
3. Overcoming of child poverty;
4. Provision of accessible and high quality education;
5. Elimination of the worst forms of child labour;
6. Rehabilitation of children in conflict with the law; crime prevention;

For the purpose of achieving the first goal, the following urgent measures have been entrusted to:

• the Administration of the President of the Kyrgyz Republic, in developing the National Poverty Reduction Strategy-2, to include measures for the medium-term future to guarantee and protect the rights of children, as elaborated at the First Nationwide Forum “The Position of Children in Kyrgyzstan: Reality and Prospects”;

• the Kyrgyz Republic’s Ministry of Education, Science and Youth Policy, the Ministry of Labour and Social Protection, the Ministry of the Interior, the Ministry of Justice and the National Statistics Committee to formulate a unified database on children, as well as non-governmental organisations rendering social services to children;

• the Secretariat of the “New Generation” State Programme for exercise of the rights of the child in the Kyrgyz Republic to perform an analysis of fulfilment of this Programme.
approved by resolution of the Government of the Kyrgyz Republic No. 431, dated 14 August 2001, and to submit proposals to the Government of the Kyrgyz Republic for introducing appropriate amendments and supplements to the given Programme;

- the Secretariat of the National Council for Women, the Family and Gender Development under the Administration of the President of the Kyrgyz Republic, the Ministry of Education, Science and Youth Policy, and the Ministry of Labour and Social Protection draw up and introduce for approval by the Government of the Kyrgyz Republic a Children’s Media Strategy. To review the work of family and children coordinators performing their activities within the framework of the project “Community-based Development of Younger Children” and submit relevant proposals to the Government of the Kyrgyz Republic for distributing their experience in other regions of the country and so on.

The following have been determined as measures for overcoming child poverty:

- the Kyrgyz Republic’s Ministry of Agriculture and Water Management, the Ministry of Finance, the State Committee for Migration, the State Tax Inspectorate, and the National Bank to elaborate and submit for consideration by the Government of the Kyrgyz Republic a draft state programme for supporting the family enterprise and small farming for the regions.

- the Kyrgyz Republic’s Ministry of Labour and Social Protection and the Ministry of Finance to study the question of increasing additional targeted payments to low-income, big families and to submit corresponding proposals to the Government of the Kyrgyz Republic.

- the Ministry of Labour and Social Protection to hold short-term training courses for social workers in working with children and so on.

For the purposes of providing accessible and high quality education, the Ministry of Education, Science and Youth Policy of the Kyrgyz Republic should develop and submit to the Government of the Kyrgyz Republic state educational standards, including for preschool education, with due account of children with special needs and so on.

The following are the measures that have been elaborated for ensuring alternative family upbringing for children left without parental care:

- the Kyrgyz Republic’s Ministry of Education, Science and Youth Policy, the Ministry of Labour and Social Protection and the Ministry of Health to elaborate and submit for approval by the Government of the Kyrgyz Republic standards for the contents and quality of the varied services provided by state and non-state children’s institutions of a residential type.

- the Ministry of Education, Science and Youth Policy of the Kyrgyz Republic to develop and submit for approval by the Government of the Kyrgyz Republic draft regulations for non-state children’s institutions of a residential type, envisaging, among other things, fulfilment thereby of the established state standards for training and upbringing, as well as placement of residents in families.

- the Ministry of Education, Science and Youth Policy to continue the work on opening up remedial classes for working children in general educational schools; inclusive classes and groups for children with special needs in kindergartens and schools.

In August 2006, the “Children’s Code of the Kyrgyz Republic” was adopted as the fundamental legislative document regulating aspects of providing a protection mechanism in relation to children.
This Code sets the main guarantees of the rights, freedoms and lawful interests of children envisaged by the Constitution of the Kyrgyz Republic, the Convention on the Rights of the Child, other legislative acts of the Kyrgyz Republic and international treaties that have come into legal effect in the established manner. The draft of this document has been drawn up with the support of UNICEF and has been openly discussed by non-governmental and government organisations. For implementation of the provisions of the Code, however, a mechanism needs to be developed for enforcing the current legislation and ensuring sustainable financing.

In accordance with the Code, the specialised authorities for protecting the rights and lawful interests of children are a body under the Government of the Kyrgyz Republic specially empowered to protect the rights and interests of children, the Commission for Children’s Affairs and the Department for Support of Families and Children. The work of the Commission for Children’s Affairs is organised by a standing secretariat that is set up by the competent local government authority or local government administration. The Department for Support of Families and Children is set up under district administrations and executive and administrative local government authorities (mayors’ offices, city administrations).

**The tasks of the Department for Support of Families and Children consist in:**

- identifying children left without parental care and children whose parents fail to provide them with a proper upbringing and maintenance;
- investigating and assessing the situation of a child in a critical position;
- providing services related to protection of the rights and lawful interests of children in critical positions, including preventive services, rehabilitation and reintegration into society;
- giving a surname, name and patronymic to a child if both parents are unknown;
- selecting the form of placement for children left without parental care, on the basis of an assessment of the child’s needs;
- selecting guardians, adoptive parents, and foster or parenting families;
- keeping a record of children under guardianship or trusteeship;
- exercising control over the activities of guardians, adoptive parents, and foster or parenting families in order to ensure that they perform the duties they have taken on;
- rendering assistance to guardians and foster or parenting families;
- exercising control over the conditions under which children in full state care are kept, brought up and educated in educational, medical treatment, social protection and other such institutions;
- considering applications from children, as well as officials, organisations and individual citizens, concerning violation of the rights and lawful interests of the child;
- appointing a representative for a child in the event of disagreements between him/her and his/her parents in order to protect the child’s rights and interests;
- applying to a court of law to deprive parents of their parental rights or remove children from them without depriving them of their parental rights;
• participating in court hearings on cases of depriving parents of their parental rights;
• participating in the procedure for adoption of children by issuing opinions on relevance of adoption.

The Department for Support of Families and Children gives comprehensive situation assessment, plans measures to protect the rights of the child, passes resolutions and issues final approval. The Government of the Kyrgyz Republic approves the Model Regulations on the procedure for protection of the rights of the child.

The Department provides a comprehensive assessment of exercise of the rights of the child and of the child’s family within a period of 30 days from the time of application or revealing of the need to protect the child. The Department officer performing the comprehensive assessment draws up a Plan of measures for providing care for the child and resolves the following mandatory issues: whether or not the child needs the services of the Department for Support of Families and Children; whether the child can be returned to the family or needs to be placed outside the family; consideration, as a priority, of appointing a guardian for the child, his/her placement in a foster or parenting family or putting up for adoption.

The Plan of measures for providing care for the child is based on the following principles:

• consideration of the child’s own opinion in accordance with his/her age and maturity;
• the child must be placed on a constant basis if he/she cannot remain with his/her parents, guardians or trustees;
• placement in a family takes priority over placement in a children’s institution;
• brothers and sisters may be separated only in the best interests of children;
• consideration of the national, religious, cultural or language origins of the child;
• provision to the child of all information and clarification of all decisions taken with respect to him/her in understandable form, depending on the age and maturity of the child;
• decision-making in the shortest possible time and without detriment to the welfare and interests of the child.

The procedure for placing a child outside the family is determined by a separate Regulation approved by the Government of the Kyrgyz Republic.

In accordance with the Code, state (material) support is provided to low-income families by satisfying the needs of children. Each child not receiving adequate maintenance from his/her parents or legal representatives is rendered state assistance. The amount of, procedure and conditions for provision of state assistance are established by laws and other regulatory and legal acts of the Kyrgyz Republic.

Orphaned children or children left without parental care are maintained, in the manner established by law, by the state. State and local government authorities must provide each child, irrespective of the form of the care, with the same material conditions. In addition, orphaned children, disabled children, children left without parental care, children in war zones, areas of ethnic conflict, natural disasters, epidemics and environmental catastrophes, refugee children and forced migrants are supplied with additional benefits.
Orphaned children and children left without parental care who are placed in children’s residential institutions, children’s homes, with relatives, guardians or trustees, retain their right to the residential space on which they previously lived. If it is not possible to take up residence in such quarters, the local government authorities furnish, on the priority lines, equivalent living space no less than the norm established by the legislation of the Kyrgyz Republic.

**Residential institutions**

Over recent decades, the likelihood of children without parental care being placed in residential institutions has grown. Residential institutions continue to play a significant and the main role within the child care system. They predominate within the official care system.

Currently, the system of residential institutions in the country constitutes a multi-stage model that has not, on the whole, changed since Soviet times. On reaching the age of 4, children are transferred from infants’ homes to children’s homes for orphans and children left without parental care. The residents of children’s homes are children of preschool and school age. Half (51%) of all the institutions within this system consist of general-type residential schools, where a substantial proportion of the children under state care live and receive an education. At the same time, for some of them, residence and education in a residential institution is combined with upbringing in their own family. There are special institutions for physically or mentally handicapped children, where they are educated. Disabled children are placed in residential institutions for children suffering from various forms of mental retardation or physical ailments.

**Table 2. Residential institutions**

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In comparison with 1992, the proportion of children residing in infants’ homes (per 100,000 of the population 0-3 years of age) has increased by 43%. As before, infants with serious diseases, disabled children, orphans and children abandoned by their parents, etc., are accommodated in these institutions. The rise in this indicator observed against the background of a fall (almost by 23%) in the number of children aged 0-3 years, is, however, cause for particular concern. Previously, family
and national traditions saved children from being placed in state care, but today these factors do not exert the same influence as before (Graph 3).

Graph 3. Proportion of children in infants' homes per 100,000 children aged 0-3 years)

Over the last fifteen years, the structure of children’s institutions has changed somewhat. Against the background of the 44% rise in the given contingent of children, the network of boarding school homes has expanded by nearly 30%. In comparison with 1992, there has been a 2.5-fold increase in the number of children’s homes but an almost 78% increase in that of the children residing in them. It should be noted that girls make up 76% of the total number of residents, their share having doubled over the period under consideration. At the same time, the proportion of girls in residential schools for orphaned children and children left without parental care has remained virtually unchanged at 44%.

The rise in the number of children in children’s homes and residential schools testifies that their families were not in a position to bring up and protect their children without support on the part of the state and society as a whole. About 12% of the children placed in children’s homes and residential schools for orphaned children are social orphans, i.e., have either one or both parents. The main reasons for placing children in children’s homes and residential schools are: single parents – 45%, neglect – 21%, abandonment – 22%, biological orphans – 12%.

In 2005, about 22,000 children or 75% of all risk group children and children with development problems under the care of the state lived in the country’s residential institutions. Available data confirm a tendency for the total number of children left without parental care and placed in residential institutions to rise.

At the same time, thanks to the reforms that have been put through, small new-type institutions are being set up. In order to provide for the child’s right to a family or an environment similar to a family, efforts are made to transfer children without parental care to small family-type homes. The activities of family-type children’s homes are organised by the local education authority, which creates the necessary conditions for this (financing, provision of residential premises and so on). The fosterers assume the obligation to maintain, educate and bring up children deprived of parental care, at the expense of the state. Today, there are 8 family-type homes in which over 300 children and adolescents live and study.

For the social revival of children left without parental care, the need has arisen for setting up a comprehensive system of their social and psychological rehabilitation, including: individual work
with the child, provision of assistance to families by means of group and individual consultations, training of the family for the child’s return; subsequent support for the child at his/her place of study and residence, in company with teachers and psychologists of general educational schools, which will monitor the family after the child returns from the social rehabilitation centre. On this place, the experience of the Bishkek Centre for rehabilitation of neglected children is indicative.

The Centre receives children left without parents because of their death, absence, sickness, deprivation of parental rights, imprisonment and so on. Each child taken in undergoes a medical examination and psychological testing and an individual plan for social rehabilitation is drawn up for him/her. Here, the children are supplied with clothing, school requisites, four meals a day and housing. The Centre permits rehabilitation measures (training, residence, job location) to be carried out with respect to minors at their actual place of residence, rather than where they are registered.

The Centre’s main task is to identify the reasons for and nature of the physical and mental changes and the psychological disturbances in the children referred to it and to provide assistance in overcoming them. A tremendous role belongs in this respect to the socio-psychological service. Only by means of interaction between a psychologist, doctor, educators and a social worker, through diagnosis and choice of the right individual approach, can negative consequences that have arisen in a child referred to the Centre be corrected. About 76% of the children referred to the Centre have been diagnosed with mental retardation as a result of a lack of education and development of the child when he/she lived with his/her parents. Correction of the psychological state of adolescent children is a tremendous job, since 97% of them are in a heightened state of anxiety, inclination towards aggression and nervous breakdowns. During the first few months children spend at the Centre, 70% of them demonstrate deviant behaviour, which is connected with their socio-pedagogical neglect. The children referred to the Centre come from conflict families, families that are pedagogically untenable, suffer socio-economic difficulties, are weighed down by ill-health of family members, and suffer problems of a demographic nature. For this reason, the children require social, psycho-correctional and medico-psychological assistance and pedagogical support. The purpose of the work with the children during the period of their rehabilitation at the Centre is to teach them how to communicate and interact with other people.

Today, the Centre’s experience allows the main reasons for social maladjustment in minors to be identified (in order of priority):

- Dysfunctional families;
- Personal characteristics of the child (character specifics, temperament, mental deviations and so on.);
- Maladjustment to school;
- Reasons of a socio-demographic nature;
- Impact of an asocially orientated informal environment.

The Centre receives street children who are homeless children living permanently or for an extended period on the streets, without parents, as well as children lacking adequate protection. In the main, they arrive from other cities, other regions, in the hope of getting new impressions and making an easy living here. Most such children live at railway stations. They demonstrate a welfare

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1 Social maladjustment means the description of the individual’s relations with the environment which is characterised by his/her failure to perform, in specific microsocial conditions, his/her positive social role matching up to his/her abilities.
mentality towards cooperation with the Centre, willingly accepting material assistance, yet not wishing to apply any efforts to change their situation. At the same time, the actual opportunities for helping them are very limited. They are unenthusiastic about such a prospect since they usually have nowhere to go back to: their parents have lost their homes or drink hard, are extremely poor and lack any prospects. Many of these children have already lived in one of children’s institutions (police reception centre, children’s homes, and shelters) and have no desire to go back there. Usually, they are well adapted to life on the streets and, if they find themselves in a shelter, where they encounter natural restrictions on their freedom, they simply return to the streets.

Some of the children arrive in Bishkek with their parents who have lost their homes and are coming to work, but cannot find jobs. They include true refugees, people who have lost everything in a house fire or who have found themselves accidentally in a difficult situation. In 2005, for instance, over three thousand people were registered in official refugee camps, including 23% children. For some adults children often become a means of subsistence: with them begging bears more fruit, they attract the attention of the police to a lesser degree. As they grow up, the children acquire greater street-living skills than their parents had: adolescents help to sell newspapers, tout transport tickets and so on.

Another category of children in residential institutions and requiring particular attention consists of children with special needs. In 2005, in comparison with 1992, there were 20% fewer schools for physically or mentally handicapped children, while the number of pupils in them had decreased by 60%. The category composition of children with special needs covered by the public education system are as follows: 57% – children with an underdeveloped intellect, 26% – children with complex defects, 13% – deaf children, and 4% – blind children.

At the same time, a negative tendency is observed of a rise in the number of children with special needs for whom access to education is restricted. Children are placed in schools for physically or mentally handicapped children on the basis of an opinion issued by a medical commission and with the consent of the parents (legal representatives) in the established manner. In recent years, there have been cases of disabled children not attending school on the basis of ill-founded medical opinions. Thus, in a number of regions on which checks were performed, doctors at family medical centres issue medical certificates to the effect that children are not educable. However, in accordance with the list provided of disabled children that are not receiving any schooling, the majority of them are educable either under the mass programme or a special study programme. Children with developmental problems can receive an education in special schools, at home or in inclusive classes in general education schools.

Disabled children are another problem requiring special attention. The Ministry of Labour and Social Protection of the Kyrgyz Republic runs two children’s psycho-neurological residential institutions accommodating, under full state care, disabled children between the ages of 4 and 18 years. In 2005, the number of children in these institutions dropped by a third. At the same time, in general, over recent decades there has been a tendency for the number of disabled children to rise (by 46%).

It should be noted that not in all cases do children with limited capacities suffer from serious problems. Often, children with slight mental defects are placed in establishments of an institutional type and this merely exacerbates their physical defects. The reasons for placing children with limited capacities in specialised institutions also include poverty and insufficient support rendered to families. In addition, there has been no change in people’s traditional attitudes towards disability, particularly towards children with limited capacities.

Also in need of more focused attention are problems connected with provision of social support to children with limited capacities. Even though a child is defined as someone up to the age of 18
years, disabled children transfer to the category of adult recipients of pensions and allowances from 16 years. In order to create appropriate conditions for children with special needs to exercise their rights and include them in the life of society without any discrimination, the current legislation requires review.

Only a small proportion of children with special needs have the opportunity to visit or reside in special institutions and receive adequate assistance. The majority of disabled children, especially from poor families or in remote regions, are virtually beyond the scope of modern means of treatment, care and rehabilitation. State institutions of the given type are extremely short of funds, are housed in unsuitable premises and often lack even the essentials for normal development of disabled children.

The Ministry of Education, Science and Youth Policy of the Kyrgyz Republic has a special general education school for children and adolescents constituting a social danger and in need of special conditions for their upbringing and education. This is a special educational and assistance organisation providing for their education, professional training, medical and social rehabilitation.

The teaching regime in the special school is specific in that:

- the pupils are not allowed to leave the territory of the school without relevant permission from the administration;
- the pupils are under round-the-clock supervision;
- the pupils are constantly engaged, including by means of a system of study, educational, production and cultural measures;
- throughout the system of education, the voluntary (convincing) principle is combined with the mandatory (enforcement) principle;
- within the scope of the activities to organise the pupils, the principle of electivity is combined with the principle of appointment, and so on.

The special general education school for children and adolescents is stocked by minors between the ages of 11 and 14 years. The pupils are provided with 4 meals a day, clothing, footwear and bedding. Orphaned children and children left without parental care enjoy additional benefits and other advantages in accordance with the standards set for this category of children.

Orphaned children and children left without parental care are sent, after finishing this school, to general-type educational institutions in the locality of special schools for children and adolescents in need of special conditions for their education, or may be provided with jobs in consideration of the minor’s wishes, with the school administration giving the required support. Only by court ruling are pupils referred to organisations for children constituting a threat to society and requiring special conditions for their upbringing and education. For children in correctional labour institutions, the administration of these institutions and the central state educational authority of the Kyrgyz Republic create conditions for them to receive a basic general and elementary professional education, as well as for self-education.

Over the reform years, the non-state sector in the system of child care has grown in significance. Within the scope of the project “Support for Orphaned Children”, the Children’s Fund of the Kyrgyz Republic and the International Meerim Foundation have built children’s villages for orphans (in Bishkek and Cholpon-Ata), which now accommodates about 200 children. Non-state
children’s institutions require particular attention on the part of the state and local community. The country’s regulatory and legal base does not suffice to provide for their precise functioning.

Non-state social rehabilitation centres have appeared and these have assumed the functions of teaching so-called “uneducable” children. An example is the Centre for social rehabilitation of disabled children “House for mother and child development through their own initiatives”. The Centre takes children for whom an education was previously unavailable. The conditions have been created here for identifying and developing the potential of children with special needs.

Worthy of note is the work of the Children’s Rehabilitation Centre “Umut-Hope” under the guidance of Karla-Maria Schelike. Street children and children with special needs live here and receive comprehensive medical and educational services. The Children’s Rehabilitation Centre works according to the laws of child development, using the laws of nature. During their first years of life, children learn exclusively by copying and by repeating their actions over and over again. This experience-tested fact has been confirmed by the latest studies of the structure of a child’s brain development. Only in humans does brain development depend to such a high degree on the emotional, social and intellectual competence of adults. Everything a child learns in its first few years of life is taken from other people. If the energy of imitation is of such significance in the first years for the development of the child’s mind, this means that constant success can be achieved by cooperating with the force of imitation typical of this age. If, in bringing up a child, the forces are used that correspond to the development stage of a child of the given age, he/she will develop healthily and will correspond to his/her age group.

Over recent decades, several centres and associations have been organised and are functioning successfully to deal with children’s problems and protection of their rights and interests. These include: the Kyrgyz Republic Association of Parents of Disabled Children, the Charitable Rehabilitation Centre “Umut”, the Educational and Rehabilitation Centre for Disabled Children “Juventus”, as well as regional rehabilitation centres and the like.

Social services for children with special needs are provided by special social support organisations, which render socio-domestic and socio-medical services, deal with adaptation and rehabilitation of people (including small children in a difficult situation in connection with partial or complete loss of opportunity to satisfy their vital requirements). For the purposes of supporting the disabled, there is, in Bishkek, an Educational Centre for Occupational Training, where disabled children obtain a trade. There is the Centre for Social Rehabilitation of Disabled Children “Umut-Hope”, which accommodates over 50 disabled children. In 2005, a project entitled “Risk Group Children in Kyrgyzstan” was in progress. This was a joint project of the Ministry of Labour and Social Protection of the Kyrgyz Republic and the Association of Social Workers of Kyrgyzstan, financed by the Swedish International Development Agency (SIDA). For the purpose of covering all categories of children and protecting their rights, within the framework of implementation of the State Programme “New Generation”, with the support of UNICEF and the international organisation “Every Child”, family and child support departments have been set up under local government authorities in the Talas and Osh regions.

New, alternative forms for teaching children that promote comprehensive coverage of risk group children by social upbringing have also been developed. The focus here is on setting up remedial classes in general education schools, allowing the child to remain within the family and receive teaching and upbringing under the conditions of an ordinary school. Currently, over 4,000 children of this category are covered by 30 state educational institutions. Meanwhile, the share of non-state institutions in the sphere of educating and bringing up abnormal children is still not great, but is developing actively.
Recently, integrated education of children is being actively introduced. Questions of integration of children with special needs concern our society and arouse many discussions. On the one hand, for several years in a row, such forms of integration as cooperating classes and special (inclusive) classes in general education schools have been developing successfully. Today, over 600 children with special needs study in 144 ordinary schools alongside normally developing children of their own age. On the other hand, new ways have been opened up for integrating children on the basis of the new attitude towards children with special needs and solution of questions involving their socialisation and integration.

It should be noted that the first steps towards integrating disabled children into ordinary schools were not a success. The problem arose of a lack of understanding on the part of the pupils and teachers. Now, before a child with special needs is integrated into an ordinary institution, discussions are held with the pupils and their parents, as well as with the teaching staff.

In connection with the need to reform the education system, seek new ways and mechanisms for ensuring accessibility of an education for children in the vulnerable group, the Ministry of Education, Science and Youth Policy of the Kyrgyz Republic has drawn up an action plan for 2006-2008. The key measures of this Plan are as follows:

- Creation, within the structure of the Ministry, of a sector for protection of the rights and interests of children;
- Early intervention and integration via making ordinary kindergartens and rehabilitation centres accessible for children with special needs;
- In conjunction with health authorities, systematic identification, recording and selection of children with special needs;
- Comprehensive introduction of inclusive (joint) education of disabled children on the basis of decentralisation and extensive involvement of the family, the community and local government bodies;
- Elaboration of regulatory and legal foundations for introduction and development of inclusive education of preschool and school age children;
- Strengthening of intersectoral cooperation between state authorities and non-governmental organisations and international foundations in resolving the problems of the education, upbringing and social adaptation of risk group children;
- Guaranteeing of the availability of education for all children;
- Development of social partnership between educational institutions, local communities and parents to ensure access to education for all children;
- Creation of a unified programme for returning children into their families;
- Creation of an environment and domestic situation favourable for children’s health;
- Organisation, under regional state administrations, of family support services, raising of the public’s awareness as to the major role of the family in socialisation and development of the child as an individual.
In order to address problems of preventing exploitation of child labour and to mobilise the population in resolving social issues, in 2004, the Ministry of Labour and Social Protection of the Kyrgyz Republic, with UNICEF support, held a contest of social projects entitled “Prevention of Social Orphanhood and Exploitation of Child Labour”, with the involvement of the state and non-state organisations. This contest was designed to identify, support and involve new forces in resolving the social problems of children, as well as to unite the efforts of organisations working in this sphere. The Ministry of Finances of the Kyrgyz Republic allocated a grant fund in the amount of 10 million Soms for implementation of social projects.

Creation in the country of a social order system might do much to facilitate and increase the effectiveness of work to resolve the multitude of social problems, including such pressing ones as drug addiction, social orphanhood, child labour, public health, leisure for young people, employment and so on. In the future, it is planned to hold such contests on a yearly basis for resolving problems within the framework of the state social order.

Assistance to children deprived of parental care cannot be provided without involvement of trained personnel. In order to raise the qualifications of childhood specialists, with the support of international organisations, various seminars and trainings have, in recent years, been held on aspects of work with the family and children. Work is currently under way to streamline the process of training social workers and social pedagogues.

During the transition period, the question of training and retraining of social workers, social pedagogues and practical psychologists became particularly acute, as these were the professionals most needed. The activities of the Association of Social Workers of the Kyrgyz Republic made it possible to form a network for interaction between public authorities, a number of ministries, higher professional educational institutions, international and non-governmental organisations that support all the initiatives in training and retraining of social workers. A structure has been set up of social services using new social work technologies.

Within the Association, there are over 40 NGOs operating, half of them engaged in childhood problems, as well as family homes, charitable and public foundations and centres where about 2,000 children have been provided with a home and support. Thus, 60 children have found a family in the “Meerim-Bulagy” family-type children’s home and 20 young drug addicts are undergoing rehabilitation in the Social Fund “Aitana”. The community centres “Ungu” and “Ak-Bairak” care for over 80 disabled children. The charitable evening school “Kut-Bilim” provides an education and hot meals for neglected and homeless children.

The Kyrgyz Republic’s Association of Social Workers, together with the Ministry of Labour and Social Protection, the Ministry of Education, Science and Youth Policy and the rector’s office of the Bishkek Humanities University have established a social work, psychology and pedagogy department training specialists in social work. Today, this, the only university fulfilling state orders for training social workers, has a weak material and technical base.

**Alternative childcare system**

Patronate families, guardianship, and adoption are still considered the best ways of looking after children without parental care. What is more, these forms of care substantially save money that could be used to finance a strategy aimed at family disruption prevention and family support. Care of children in a patronate or foster family is considered a better and less expensive way to meet the needs of children than providing care for them in residential institutions. Development of the system of caring for children in patronate families, as an alternative to residential institutions, depends on regulatory legal acts, the necessary number of educators and social workers, as well as the support of society as a whole.
Over the past ten years, kinship care, whereby relatives assume guardianship and trusteeship over children, has been the most developed form of alternative care in the country. In 2005, the percentage of children being brought up in families (guardianship, trusteeship) increased by 40% compared with 1992 and amounted to 366 children per 100,000 of the population between the ages of 0-17 years. Fifty-one percent of this number are girls, whereby their percentage during this time has essentially remained unchanged.

An increasingly larger number of children aged between 0 and 6 is being registered with child welfare services. For example, during the past two years, their percentage among the total number of children registered with welfare agencies increased by 15% and amounted to more than one-third (38%). Approximately 48% of them are girls. More than half (57%) of the children taken into family care are full orphans.

Guardianship, as the most widespread form of child care, is traditionally carried out by grandparents and other close family members (approximately 80%). This type of care ensures that children are less likely to have behavioural and psychological problems. At the same time, state financial aid and assistance from medical specialists and social workers do not provide for the needs of guardians. As can be seen from Graph 1, during the period under review there was no quantitative shift towards family care by way of transferring.

In compliance with legislative acts, guardianship is established over children who are under the age of 15. Trusteeship is established over children between the ages of 14-18 years. The Civil Code of the Kyrgyz Republic sets forth the provisions for establishing and ceasing guardianship or trusteeship over children.

A foster family is formed on the basis of a contract on the transfer of a child into the care of a family that has legally applied for adoption. The contract on transfer of a child is concluded between the child welfare agency and the foster parents (married couples or individuals wishing to take care of a child). Children who have not reached legal age are transferred to the care of a foster family for the length of time stipulated in the contract.

A contract on foster care may only be annulled ahead of schedule on the initiative of the foster parents if there are legitimate reasons for doing so (illness, changes in family or property status, lack of mutual understanding between the parents and the child, conflicts between children, and others). A contract may also be annulled on the initiative of the child welfare agency if conditions arise in the foster family that are not conducive to the full time care, upbringing, and education of the child, as well as in the event the child is returned to his/her birth parents or adopted.

Any citizen of legal age and either gender may be a foster parent, apart from:

- persons recognized by the court as legally incapable or with limited capability;
- persons deprived by court of their parental rights or with restricted parental rights;
- persons suspended from their duties as guardian (trustee) for inappropriate fulfilment of their law-binding duties;
- former adopters, if adoption is annulled by the court due to their fault;

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2 Guardian (trustee) – a person legally designated to carry out guardianship and trusteeship; guardianship (trusteeship) – a legal form for protecting the rights and interests of underage children and persons deemed incapable (limited in capability) by the court.
• persons who, due to their state of health (paragraph 7, clause 1, article 133 of this Code), are unable to perform their child care duties.

Foster parents have the rights and obligations of guardian (trustee) with respect to the child they take into their care.

Foster care is extended to children without parental care, including those in educational institutions, medical institutions, social protection institutions, and so on. Persons wishing to be foster parents have the first choice of children they wish to take into their care, with the consent of the child welfare agencies. Brothers and sisters should not be separated, apart from cases when this is in their best interest.

The opinion of the child shall be accounted for before he/she is taken into a foster family. A child who has reached the age of ten may only be taken into a foster family with his/her consent.

Children taken into a foster family shall retain the right to receive the alimony, pension, benefits, and other social payments due to them, as well as the right to ownership of housing or the right to the use of housing; if they do not have housing, they have the right to be offered such housing in keeping with the housing legislation.

A foster family shall be paid a monthly benefit in the way and amount set forth by the Government of the Kyrgyz Republic for the care of each child. The child welfare agency shall render the foster family the necessary assistance, help it to create normal living conditions for upbringing the child, and also have the authority to ensure that the foster parents fulfil the duties they assumed regarding the care, upbringing, and education of the child in their custody.

The percentage of children under guardianship and trusteeship in the official child care system has increased by 14% since 1992 and amounts to 25%. Increases in this percentage were noted in 1994 and 2002, but in the past few years, a downward trend of 1.4-fold has been noted (Graph 4).

In August 2006, the Government of the Kyrgyz Republic ratified the Provisions on Guardianship and Trusteeship Bodies (resolution No. 547). This is an important document regulating the activity of child welfare agencies in their identification and care arrangements for children without parental care, as well as in protecting their rights and interests.

The country’s child welfare agencies are local self-government bodies. The child welfare agency at the place of residence of its wards supervises the activity of guardians and trustees.
In compliance with the legislation, the child welfare agencies are responsible for protecting the rights and interests of children in the event their parents die, are deprived of their parental rights, are restricted in their parental rights, are recognized as legally incapable, suffer from illnesses preventing them from carrying out their parental duties, are absent for long periods, evade bringing up their children or protecting their rights and interests, including if parents refuse to retrieve their children from educational institutions, medical institutions, social protection institutions, and other similar institutions, as well as in other cases where parental care is absent.

The child welfare agencies identify children without parental care, keep a record of such children and, based on the specific circumstances relating to loss of parental care, choose forms of care for such children. They also carry out subsequent supervision over the conditions for their care, upbringing, and education.

The officials of educational institutions, medical institutions, social protection institutions, and other institutions that have information on children without parental care must inform the child welfare agencies at the place where such children are located. Within a month from receiving such information, the child welfare agency shall make arrangements for the child to be taken into family care or shall send information about this child to the corresponding executive power body.

Within a month from receiving information about a child, the executive power body shall make arrangements for him/her to be taken into the family care of citizens residing in the Kyrgyz Republic. If this is not possible, the information shall be sent to a corresponding government body, as determined by the Government of the Kyrgyz Republic, to be entered into a national data bank on children without parental care for making subsequent arrangements to ensure the family care of such child.

Children without parental care are placed in family care (adopted, placed under guardianship (trusteeship), or taken into a foster family), or, if this is not possible, they are placed an any institution for orphans and children without parental care (educational institutions, social protection institutions, medical institutions, and other similar institutions).

When arranging for the care of a child, his/her ethnic origin, religious and cultural affiliation, native language, the possibility of providing continuity in the child’s upbringing and education are taken into account.
Only legally capable adults may be appointed as guardians (trustees) of children. Persons deprived of their parental rights may not be appointed as guardians (trustees). When a child is taken into the care of a guardian (trustee), the latter’s moral and other personal qualities, ability to carry out the duties of guardian (trustee), relations between the guardian (trustee) and child, attitude of the members of the guardian’s (trustee’s) family towards the child, as well as, if possible, the desire of the child him/herself are taken into account.

Persons who suffer from chronic alcoholism or drug addiction, persons suspended from their duties as guardian (trustee), persons with restricted parental rights, former adoptive parents, if they were responsible for annulment of the adoption, as well as persons whose state of health is not conducive to fulfilment of their child care duties may not be appointed as guardians (trustees).

Children who are under guardianship (trusteeship) have the right:

• to be brought up in the family of the guardian (trustee), to be cared for by the guardian (trustee), and to live with him/her, apart from cases envisaged in Article 71 of the KR Civil Code;

• to enjoy all the proper conditions for their care, upbringing, education, and overall development, as well as respect of their human dignity;

• to the alimony, pension, benefits, and other social payments due to them;

• to retention of the right of housing ownership or the use of housing, and if they do not have housing, they have the right to be offered such housing in keeping with the housing legislation;

• to protection from abuse by the guardian (trustee).

Children without parental care and living in educational institutions, medical institutions, social protection institutions, and similar institutions have the right:

• to care, upbringing, education, overall development, respect of their human dignity, and guarantee of their interests;

• to the alimony, pension, benefits, and other social payments due to them;

• to retention of the right of housing ownership or to the use of housing, and if they do not have housing, they have the right to be offered such housing in keeping with the housing legislation;

• to job benefits stipulated by the labour legislation at the end of their stay in the mentioned institutions.

Guardianship and trusteeship obligations are performed free of charge, apart from those cases envisaged by law. Guardians and trustees of underage children must live with their wards. A trustee may only live apart from his/her ward, if such a ward is over the age sixteen and with the permission of the child welfare agency, provided that this does not have an unfavourable effect on the upbringing and protection of the rights and interests of the ward. Guardians and trustees must also inform the child welfare agencies about any change in their place of residence. Guardians and trustees must care for and support their wards, provide for their medical treatment, and protect their rights and interests. Guardians and trustees of minors must make arrangements for their education and upbringing.
If the reasons a citizen was recognized as legally incapable or limited in capability due to alcohol or drug abuse are no longer valid, the guardian or trustee must petition the court for recognizing the ward as legally capable and for removing guardianship or trusteeship.

Despite the sufficient broadness of KR legislation aimed at improving the life of children, the laws and decrees are often incompetent due to the state's low level of financial and material support. Nevertheless, social protection benefits for children are targeted and provided in the form of one time payments, certain electricity and heat allowances for low-income families, as well as additional support for those in acute need, from the funds of local budgets and the humanitarian aid the country receives. The social welfare bodies are now responsible for designating and paying child benefits, which has laid the foundation for transferring to targeted support of the neediest families with children.

According to the Law on State Benefits in the KR, guaranteed state support in the form of a single monthly benefit (SMB) for low-income families is paid for children, who account for 96% of the total number of benefit recipients. Most SMB recipients are children living in families with able-bodied parents. At present, the average amount of SMB for low-income families per recipient is 88 soms.

In 2005, the government established an average amount of 418 soms for children receiving a disability pension, which amounts to approximately 85% of the average amount of an adult pension. Disabled children constitute 19.6% and children who have lost their breadwinning parent amount to 33.5% of the 55,300 people who receive social benefits. In the event of the loss of a breadwinner, families receive a pension, which amounts on average to 276 soms.

Along with envisaging an annual increase in the Guaranteed Minimum Level of Consumption for granting welfare payments, which since 1 January, 2006 amounts to 175 soms, the Ministry of Labour and Social Protection of the Kyrgyz Republic is looking for ways to encourage low-income families to take care of themselves by developing their own initiative.

Orphaned children receive a pension from the KR Social Fund in the event they lose a breadwinning parent in keeping with work record and wage level of the said parent. In the event the parents did not have a work record, the orphaned child receives a social benefit from the social welfare body at his/her place of residence. The social benefit is financed from the national budget and paid only in money. Children who have lost one of their parents receive a social benefit in the amount of 252 soms per child until he/she reaches the age of 16, or, if he/she continues to study at a secondary school or other learning institution, until he/she reaches the age of 21. Children who have lost both parents are paid a social benefit per child in the amount of 378 soms. State assistance in these cases proves insignificant if we keep in mind that the average monthly minimum consumer budget per capita amounted to 1,837 soms (in 2005), including 1,624 for children, and the average wage is 2,612 soms (in the public sector – 2,031 soms).

In compliance with the KR Law on Education, the state provides for the education of orphaned children and children without parental care, as well as children suffering from serious illnesses or physical and mental defects, until they reach legal age.

Special conditions are created in compliance with the KR legislation for children who are unable to obtain an education in state educational institutions on the usual terms, including the opening of special groups, classes, or organizations ensuring their treatment, education, professional training, social adaptation, and integration into society.

In addition to providing children with state benefits and certain privileges, which are passive forms of state support, social services should also be actively developed at the national level. The opening
of Social Service Centers for Families and Children in each of the country’s regions requires time, financial resources, and support from international organizations. So at this stage, it would be expedient to make use of the social contract system for implementing socially significant programs and financing them from the national budget.

In 2005, the KR Government awarded its first public social contract to implement social projects to both government and nongovernmental organizations. At a contest of social projects held in 2004, the Expert Commission, approved by the Government, selected 20 projects out of the 86 submitted, which are currently being implemented in the Kyrgyz Republic. A shelter where temporary housing is provided for street children opened in 2006 in the village of Sarai in the Karasui District, Osh Region. A project is being carried out in Kyzyl-Kiya in the Batken Region to organize recreation for adolescents by further developing and supporting sports club activity in the town and involving risk-group adolescents in it. Six sports clubs have opened and computer literacy courses for adolescents have been organized. A remedial gymnastics room has been opened at a hospital in Isfana Town in the Batken Region, and additional medical and rehabilitation assistance is being rendered to fifty children who have been diagnosed with cerebral palsy.

The development of the alternative care system is being hindered by the significant financial constraints associated with the difficult economic situation in the country. An increase in the amount of family benefits, benefits for children in foster families, as well as for single mothers, mothers with many children, and children in low-income families would help to raise the number of those wishing to take care of children without parental care. It is also worth noting that there is very little information about the conditions of children cared for in foster families, under guardianship or trusteeship, or about the well-being of such children.

Adoption

Adoption is the best way of taking care of children without parental care. What is more, adoption makes it possible to ensure that children’s rights and legal interests are protected, that they receive a normal upbringing, and that they acquire a lifetime family.

As can be seen from Graph 5, adoption occupies an insignificant place compared with other forms of child care. Since 1992, the percentage of adoptions per 100,000 children between the ages of 0 and 17 decreased by one third (31%) and amounted to 48. The difficult socioeconomic situation and low standard of living of the population had a negative effect on adoption practices. It should be noted that no marked gender differences in adoption of this age group is noted: just as many girls (47) are adopted as boys (48).
Compared with 2004, adoption of children aged between 0 and 6 increased by 19% and at present their percentage in the total number of adopted children amounts to approximately 37%. Moreover, girls constitute the majority in this age group – 64%. In the past two years, the percentage of full orphans among adopted children did not change and amounted to approximately 20%. The number of children adopted by families amounts to approximately 40% of the total number of children identified as being without parental care.

In keeping with the Regulations on Transfer of Children without Parental Care for Adoption by Kyrgyz Citizens, as well as by Foreign Citizens (KR Government provision No. 21 of 22 February 2006), underage children may be adopted if this is in their best interests and taking into account the possibility of providing the child with full physical, psychological, spiritual, and moral development. Brothers and sisters may not be adopted by different people, unless this is in their best interests.

Adoption of a child may only be carried out with the consent of his/her birth parents or guardians, and if the child has no parents or guardians (trustees), with the consent of the child welfare agency. Adoption is carried out in court on the basis of an application by those wishing to adopt the child with the mandatory participation of the adoptive parents themselves, the child welfare agency, and a public prosecutor.

In order to approve adoption of a child, the corresponding child welfare agency must provide an opinion indicating the reason for the adoption and showing that this complies with the interests of the child being adopted. In so doing, the motives for adoption, the ability of the potential adoptive parents to provide the proper care and upbringing of the child, and the absence of contraindications to adoption are indicated. What is more, information is provided indicating the factors in favour of adoption: age of the adoptive parents, their ability to care for and bring up the child, and the absence of mentally ill family members or members suffering from other illnesses, who might have a negative effect on the health and upbringing of the child.

Any citizen of legal age and either gender may be an adoptive parent, apart from:

- persons recognized by the court as legally incapable or with limited capability;
- persons deprived by court of their parental rights or former adoptive parents if they were responsible for annulment of adoption by court;
• persons who are unable to carry out their parental rights due to health problems, with a list of illnesses due to which the person may not adopt a child, take a child into their care, or accept a child into an adoptive family;

• persons with no income at the time of adoption, or who have been convicted for a deliberate crime against human life or health;

• persons who are not married, an unmarried couple may not jointly adopt one and the same child.

Consent of the birth parents to the adoption of their child is not required if: they are unknown or declared by the court to be missing; declared by the court to be legally incapable; deprived by the court of their parental rights; have not lived with their child or refused to care for and support their child for more than six months for excuses the court declares unreasonable.

The confidentiality of child adoption is protected by law. In the event the confidentiality of child adoption is violated against the will of the adopting party, the persons involved shall be brought to criminal account in compliance with KR legislation.

A child older than ten may only be adopted with his/her consent. If a child is adopted by one marital partner, the consent of the other marital partner to adoption is required if a child is not being adopted by both partners.

A child having a right to receive a pension or benefit due him/her with respect to the death of his/her parents at the time he/she is adopted retains the right to receive such pension after adoption.

Child adoption may be annulled in court at the request of the child’s birth parents, adoptive parents, a child welfare agency, a public prosecutor, or at the request of the adopted child him/herself, if such child has reached the age of 14. Grounds for annulling an adoption may be cases when the adoptive parents refuse to perform their parental duties, abuse their parental rights, abuse the adopted child, or if the adoptive parent becomes chronic alcohol or drug addict. What is more, the court has the authority to annul child adoption for other reasons based on the child’s interests and taking into account the child’s opinion.

If adoption is annulled, the child is placed in the care of his/her birth parents by a court order, and if the child has no birth parents, or if placement of the child in the care of his/her birth parents is not in his/her best interests, the child is placed in the care of a child welfare agency. Based on the child’s interests, the court may obligate the former adoptive parent to pay for the child’s upkeep in an amount equal to one quarter of the salary or actual income of the former adoptive parent. In so doing, this percentage may be lowered or raised by the court taking into account the financial or family status of the parties involved, as well as other circumstances worthy of attention.

In certain cases, if recovering alimony from former adoptive parents as a percentage of their salary and/or other income is impossible, difficult, or significantly violates the interests of one of the parties, the court shall have the authority to determine the amount of alimony to be levied monthly as fixed sum of money or simultaneously as a percentage and a fixed sum of money. The amount of the fixed sum of money shall be determined by the court based on retaining child support at the highest possible level and taking into account the financial and family status of the parties involved, as well as other circumstances worthy of attention.

Child adoption may not be annulled if the child has reached legal age by the time the request for adoption annulment is made, apart from cases of mutual consent between the adoptive parent and
adopted child to such annulment, or the consent of the birth parents of the adopted child, if they are alive and have not been deprived of their parental rights or deemed legally incapable by the court.

Working parents who have adopted a child under the age of three shall be granted leave to care for the child:

- from the day of adoption and until 70 days have elapsed since the birthday of the adopted child, or, if two or more children are adopted at the same time, until 110 days have elapsed from their birthdays;

- additional leave without pay until the child reaches the age of eighteen months.

In the event a child is adopted by a couple, the indicated leave is granted to one of the marital partners upon their discretion. Working parents who adopt a child (children) are allotted and paid adoption benefits during the leave period in the same way and amount envisaged for paying maternity allowance.

Since 2001, the percentage of international adoptions of children between the age of 0 and 17 has decreased by 40% and amounts to one case in every 100,000 children. At the same time, the percentage of international adoptions among the total number of adopted children in the country increased 2.4-fold and amounts to 2.2%. Girls account for 45% of the children adopted by foreign parents. It should be noted that the number children between the age of 0 and 6 adopted by foreign families has increased 8.5-fold in the past two years, and in 2005, their percentage among the total number of such children amounted to approximately 85%.

Adoption of children by foreigners or stateless persons is permitted only in cases when such children cannot be adopted by Kyrgyz families who reside permanently in the Kyrgyz Republic, or by the relatives of the children, regardless of citizenship and place of residence of such relatives.

Children may be adopted by Kyrgyz citizens who reside permanently beyond the country’s boundaries, by foreigners, or by stateless persons who are not relatives of the children three months after information on such children is entered in the national data bank on children without parental care.

In the event of disputes during adoption, a special commission shall be created made up of officers of the Department for Protection of Children’s Rights and Out-of-School Education under the Ministry of Education, Science, and Youth Policy of the Kyrgyz Republic.