



ORPHANAGE GRADUATES OF KYRGYZSTAN

ASSESSMENT OF RIGHTS AND NEEDS

Bishkek 2015

**Jasa.kg program of the International Youth Foundation funded by USAID,
Public Fund “Our Voice”
and Public Charitable Fund “Oasis”**

**ORPAHANAGE GRADUATES
OF KYRGYZSTAN
Assessment of rights and needs**

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Assessment of the situation of care leavers in Kyrgyzstan was conducted by Public Charitable Fund “Oasis” and Public Association ‘Our Voice’ in the framework of Jasa.kg program of the International Youth Foundation funded by USAID.

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This research evaluates the socio-legal situation of care leavers in Kyrgyzstan and aims at developing recommendations for improving state legislation and policies for social protection of orphanage leavers. It also aims at creation of strategies of collaboration between interested donors, public and business organizations. Views and opinions of this publication belong to their authors and do not express an official position of USAID.

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PREFACE

Graduates of orphanages is a rather vague phrasing. For many it means nothing and doesn't draw any attention. So, young people as any young people, let them live, study, work.

But there are about 400 of these young people leaving institutions every year¹. They leave and disappear among the more than 5 million of the population of our country. They come out into the big world. They leave the walls that had been a safe refuge, even if not always ideal, but provided housing, food, education, basic care, community and support.

And now – there is only the vastness of adult life ahead. And they are 14-18 years old. Some of them will receive help in entering vocational training and even a room in a dorm. Some will not. Some will be able to find part-time work because there is not enough food in the dorm, they need to buy clothing and care for their basic needs. Some will not. Some will be able to find relatives, some will not. And also, they fall in love, have friends, and sometimes trust strangers in search of protection and support. They are also used to receiving help from outside. If one was supported for a long time in an institution, how does one learn to support oneself?

Jasa.kg program of the International Youth Foundation funded by USAID partners with PCF "Oasis" since 2012 and with PF "Our Voice" since 2013 in providing initial help and developing life skills with graduates of orphanages for their better adjustment in society. Support was provided to more than 200 graduates who ended up in Bishkek and Osh: in finding housing, settling into a dorm, job hunting, resolving numerous issues with documents, state offices and agencies; including cases of offence and early pregnancies. Also young people received trainings in various skills necessary for independent living: communication, conflict resolution, team work, job hunting and social involvement.

We also tried, in various ways, to involve them in the country's youth community (through conducting events, holding work at youth center), to free them of the labels and stereotypes giving the support in working through the hardships of independent living.

This was delicate, fine and, of course, long-term work, because it relates to people each one of whom has walked a difficult life path and carried a trauma since childhood.

Big thanks to two small NGOs – PCF "Oasis" and PF "Our Voice" who are leading this huge important work, and also to administration of institutions who upon their own initiative help young people continue education and find housing, as well as to individuals and groups who try to take a hand of a graduate and walk with them.

But such organizations and individuals lack strength and resources and many orphanage graduates fall through the cracks. It is a national-level problem the way we treat young people in difficult life circumstances whether they officially have the status of an orphan or maybe even living parents somewhere.

This research is a suggestion to pay more attention to young people, about 400 of them each year, which is hundreds and thousands in 10 and 20 years. From their birth things are uncertain. Once they become of age (18) things depend on chance and whether the right person will be at the right place at the right time to help.

I thank the research team for their hard work on seeking out leavers, establishing contact and trust with them and their determination to describe graduates' issues and difficulties with great care and consideration.

Valeria Aslapovskaia

Jasa.kg program of the International Youth Foundation funded by USAID,
Coordinator on work with young people from orphanages

¹ In 2011 382 orphanage graduates were kicked out into the street <http://www.centrasia.ru/newsA.php?st=1327408080>

INTRODUCTION

Kyrgyzstan has declared itself a legal democratic state guaranteeing rule of law, inviolability of rights and freedoms, private property protection, protection of the rights of individuals and mutual responsibility of the state and its citizens. The Kyrgyz Republic recognizes one of the most important rights, the right for social protection and maintains a policy of strengthening social justice, providing targeted protection for socially vulnerable groups and disabled citizens, developing economic prosperity of employable population and providing citizens assistance in difficult life situations.

However, a media points out, the rights of leavers of the residential institutions are frequently violated in current socio-economic environment. Practice reveals that current legislation is imperfect, the state and municipal agencies do not fully provide protection to leavers of the residential institutions and do not help them adjust in the society of Kyrgyzstan.

Care leavers include young people from residential institutions who have the status of an orphan or were left without parental care and lived in care institutions until graduation². The absolute majority - 90% percent of children in care are the children without parental care.³ Since “care leaver” does not have a legal status these young people do not receive government support, while in fact, they are in a difficult life situation (poverty, unemployment, homelessness, loneliness, low morale, inability to handle difficulties independently).

Therefore, it has become vital to research the issues of the care graduates in order to ensure their positive social adjustment and assessment of their needs and problems.

Assessment of the care leavers’ situation in Kyrgyzstan was conducted by Public Charitable Fund “Oasis” and Public Fund “Our Voice” in the framework of Jasa.kg program of the International Youth Foundation funded by USAID.

Methodology

The aim of research: Assessment of current situation of leavers of residential institutions and their potential to positive social adjustment, identifying their current needs and problems to make recommendations aiming at improving policy and practice regarding leavers of residential institutions.

Research goals were set to achieve the following:

1. To analyze the socio-legal situation of care leavers in Kyrgyzstan;
2. To review relevant research reports, as well reports of the project activity, and media publications dedicated to the issues of care leavers;
3. To identify effectiveness of services being provided to care leavers by state agencies;
4. To conduct interviews and focus groups among care leavers, administrations of residential institutions, crisis centers, authorized state agencies and non-government organizations to assess current situation of care leavers and the conditions of their adjustment to social environment;
5. To develop recommendations.

²Children without parental care—young people up to age 18, whose parents are: deprived or limited of parental rights, reported missing, recognized legally incapable (or partially incapable), placed at hospitals, imprisoned, under custody, evasive parents from parenting their children, or if they refused to take their children from residential, medical, educational, social or any other agencies, or in other case in accordance with the legislation; orphans – children up to age 18, whose both parents are dead or one of the parent or both parents are unknown; Resource: article 5 of the Children’s Code of the Kyrgyz Republic No. 100 of July 10, 2012.

³ “National Report on Child Poverty and Disparities in the Kyrgyz Republic”, Bishkek, 2009, p.49. http://www.unicef.org/kyrgyzstan/ru/media_10685.html

The object and subject of research

The object of research is young people who left residential institutions in the last 5 years (2009 - 2014).

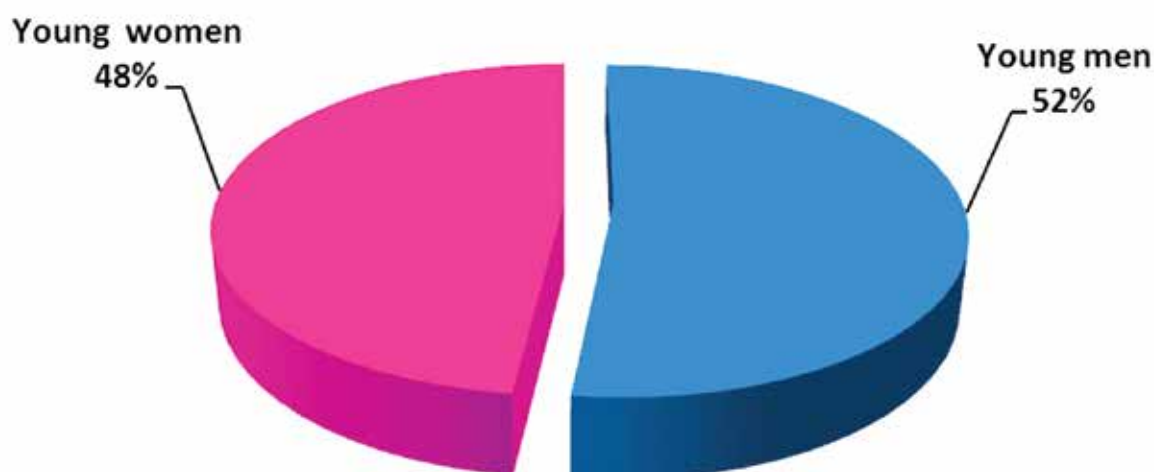
The subject of research: the socio-legal situation of care leavers and the conditions of their adjustment to social environment.

Research methods:

- Desk research provided an overview of legal framework and state documents, statistics, relevant publications, international organizations research and reports of NGOs.
- Conducted interviews with 350 care leavers.
- Conducted 41 expert interviews with the stakeholders (government workers, orphanage administration and staff, teachers and NGO workers).
- Conducted three focus groups with care leavers, orphanage administration representatives, crisis centers representatives, authorized state agencies and non-government organizations.⁴

The field research team consisted of “Oasis” Public Charitable Fund and Public Fund “Our Voice” staff, and care leavers who were trained on methods of sociological research.

Diagram 1. Gender Composition of Care Leavers



According to research goals 350 care leavers aged 15 to 25 were interviewed.

Social composition of respondents was the following: 45% identified themselves as “full orphans” and 43% as those who “were deprived of parental care”, 6% were “people with health disabilities” and 6% identified themselves as “half orphans”.

In addition to care leavers, 41 experts were interviewed; among them were representatives of state and municipal agencies, territorial subdivisions of state agencies, directors and staff of care institutions, directors of non-governmental organizations working with the vulnerable groups of population.

⁴An interview -personal communication with a respondent, with recordings of the answers.

Focus group — a method of qualitative research in sociology, thorough interview process with the respondents, usually of a target group.

Diagram 2. Expert representatives interviewed

This research does not claim to be an all-encompassing analysis of all problems of care leavers. This research provides a focused overview of socio-legal situation of care leavers and problems of their adaptation to society. The results of this work can serve as basis for developing recommendations on improving state policy and practice on social protection of this category of young people, and developing collaboration strategy between donors, public or business organizations interested in supporting this group of young people.

SECTION 1. Legislation Gaps

1.1. Legal framework: Issues of Law Enforcement

Children in care become graduates at the age of 15-18 and according to the “Law of the Kyrgyz Republic on Youth Policy” are defined as «youth».

The review of the normative legal acts regulating the work of state agencies and municipalities with orphans and children without parental care in Kyrgyzstan, shows that the legal framework providing care for the graduates of institutions declines compared to the time of their residence in orphanages and vocational training schools. This is due to the fact that:

- National legislation, regulating youth and social policies of Kyrgyzstan⁵, does not fully provide protection of rights and interests of leavers of orphanages, especially those who are of legal age. There are practically no provisions regarding this category of youth.
- These are the exceptions:
 - ✓ The Housing Code of the Kyrgyz Republic No.117 of July 9, 2013 (articles 43 and 44), which stipulate provisions of housing for orphans;
 - ✓ The law of the Kyrgyz Republic “On Education” No. 92 of April 30, 2003 provides leavers of residential institutions with access to free basic vocational education and higher education;
 - ✓ The State Strategy on Youth Policy until 2015 No. 640 of September 25, 2012 and the Social Protection Development Strategy of the Kyrgyz Republic for 2012-2014, No. 755 of December 13, 2011 mention care leavers as a vulnerable group. It is important to notice here that the two latter documents are internal departmental documents, one of them has already become inoperative and the other will cease to be in force at the end of 2015..
- The Government has a constitutional obligation to provide for subsistence, education and training of underage “orphans” and “children without parental care”⁶. Also, disabled care leavers are under state social protection for life.
- All full-aged leavers of residential institutions, especially those deprived of parental care (i.e. not full orphans) remain without legal and social support since it is not stipulated by legislation for this category of young people. Care leavers (even if under age) have to in declarative form apply for social protection and services to the authorized state agencies and municipalities, as well as legal protection. However this is undermined by the fact that many leavers do not have the necessary skills to apply to official agencies and sometimes lack the necessary document to be able to apply.
- Practice has shown the inefficiency of previous youth programs implementation⁷ which were not implemented due to deficit in the state budget, political instability in the country and lack of legal mechanisms for law implementation at all levels. For instance, the Kyrgyz Republic Government Regulation No. 84 of February 21, 2004, adopted within the State program on children’s rights “New Generation” until 2010, was obligated to open special bank accounts for orphans to provide them with housing upon reaching full age but was not implemented.

⁵ Note: Currently new laws have been adopted: the “The Law on Youth State Policy” No. 256 of July 31, 2009, new State Strategy for Youth Policy until 2015, approved by the Resolution of the Government of the Kyrgyz Republic No. 640 of September 25, 2012, the Social Protection Development Strategy for 2012-2014, approved by the Resolution of the Government of the Kyrgyz Republic No. 755 of December 13, 2011.

⁶ Article 36 of the Constitution of the Kyrgyz Republic.

⁷ During the independence years state youth development programs until 2010 such as “Jashtyk” were written, state program on children’s rights “New generation” until 2010, National program “Krgyzstan Jashtary” for 2006-2008 and the State Strategy for Youth Policy until 2010.

To be fair it is important to note that there are certain attempts on behalf of the government to develop legislation concerning the issue. Experts stated that the Ministry of Social Development of the Kyrgyz Republic has begun to prepare a draft program on state support of care leavers, but it is still in the project state. According to Jogorku Kenesh (Parliament) of the Kyrgyz Republic bylaw of May 23, 2013 the Government was obliged to develop a housing-provision program for orphans, but until present time this document is not ready.

1.2. Legal framework: Issues of Law Enforcement

According to article 17 of the “Children’s Code of the Kyrgyz Republic” No. 100 of July 10, 2012, orphaned children rights protection is implemented by the Government of the Kyrgyz Republic and other bodies of state executive branch, bodies of local self-government, the courts, prosecutor’s office and Akyikatchy (Ombudsman) of the Kyrgyz Republic.

Offices responsible for protection of orphans, care leavers and children in a difficult life situation are:

- The Government of the Kyrgyz Republic;
- The authorized body on protection of children;
- Children’s Issues Committees within local government offices;
- The territorial subdivision of the authorized body for the protection of children;
- The executive body of the local government and local government committees on social issues.⁸

As for of age orphanage graduates, there is no assigned state department that would protect their rights and interests, maintain records and provide legal and social support to them. These young people have to face the whole system of state bureaucracy, which exercise only their authority and do not have a common policy on leavers of residential institutions. For instance:

- **The Ministry of Labor, Migration and Youth of the Kyrgyz Republic** (hereafter MLMY KR) takes responsibility only for youth’s participation in state youth policy, supporting important and innovative initiatives, and supporting gifted and talented young people.⁹ Care graduates are classified as “youth with special needs” along with the disabled, families with many children, young families, former prisoners, young people registered in Juvenile Delinquency Office; and MLMY KR is expected to provide access to “social lift” measures to these categories of the population.¹⁰ But due to state budget deficit, lack of collaboration of state departments the implementation of this task has been postponed up until present time.
- **The Ministry of Social Development of the Kyrgyz Republic** hereafter MSD KR) is a state executive body which maintains social development, efficient social protection, and also provides services to socially vulnerable groups, including families and children in difficult life situation, elderly people, and disabled people.¹¹ Although leavers of residential institutions are mentioned in the Social Protection Development Strategy of the Kyrgyz Republic for 2012-2014 and are classified as a socially vulnerable group, there are no corresponding jurisdictional documents concerning social development, social protection, and provision of social services to care leavers.

⁸ Article 25 of the Children’s Code of the Kyrgyz Republic.

⁹ Regulation on Ministry of Labor, Migration and Youth of the Kyrgyz Republic, approved by the Government of the Kyrgyz Republic resolution No. 122 of February 20, 2012.

¹⁰ The State Strategy of Youth Policy until 2015 approved by the resolution of the Government of the Kyrgyz Republic No.640 of September 25, 2012.

¹¹ Regulation on Ministry of Social Affairs of the Kyrgyz Republic, approved by the resolution of the Kyrgyz Republic Government No. 121 of February 20, 2012.

- **The Ministry of Public Health of the Kyrgyz Republic** (hereafter MPH KR) is the central body of Executive authority conducting the state policy and exercising control in protecting and promoting public health in the Kyrgyz Republic. However, within the framework of Government Guarantees Program only disabled care leavers have access to free medical services in state public health organizations, to home care, and in case of inability to meet basic necessities – access to support and housing in state care institutions for adults¹². In practice the legal norms are not fully enforced. Moreover, the low standards of the state medical and social services do not cover the most important needs and necessities of disabled people. And besides, full-aged care leavers who do not fall into the category of “disabled” are not eligible for state medical benefits.
- **The Ministry of Education and Science of the Kyrgyz Republic** (hereafter MES KR) regulates state policy and controls education and science management to ensure universal access and quality of education, guaranteeing constitutional rights of the Kyrgyz Republic citizens to education. Leavers of children’s residential institutions after receiving a secondary education have the right to free basic vocational education. There are special groups, classes or organizations providing education and training, aid in education and social adaptation to children with physical or mental disabilities.¹³ Those care leavers who do not fall under the category of “disabled” or “full orphans” have access to higher professional education on the same basis as everyone else, but often are not able to exercise this right due to the absence of support from their relatives or family and the fact that they have difficulty providing for themselves while studying (tuition, clothing, shoes, stationary, living expenses, etc.).

¹² Article 70 of the “Law on Protection of Health of Citizens of the Kyrgyz Republic” No. 6 of January 9, 2005.

¹³ Article 33 of the “Law on Education” of the Kyrgyz Republic No. 92 of April 30, 2003.

SECTION 2. Legal Opportunities and Limits for Leavers of Children's Residential Institutions

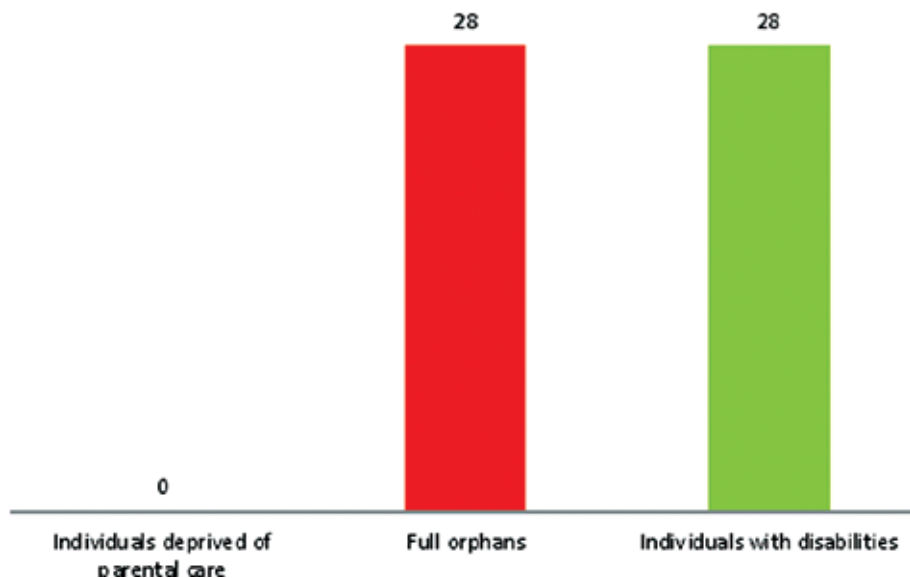
2.1. There is a Right for Housing, but there is no House

Annually the children's residential institutions graduate around 400 girls and boys, who need housing, jobs and education.¹⁴

The basic guarantees of orphans' rights for housing are provided in order stipulated by legislation on housing. Moreover, according to the article 13 of the "Code on Children of the Kyrgyz Republic" of July 10, 2012:

- Full orphans upon reaching the age of 16, who have no accommodation have right to receiving housing out of turn in order established by legislation.
- Children without parental care and orphans cannot be moved out of their housing without being provided alternative accommodation.
- Until the age of 21, if studying full-time in higher educational institutions full orphans are to be provided with housing (dormitory).

Diagram 3. Access to free accommodation



The new Housing Code of the Kyrgyz Republic No.117 of July 9, 2013 in articles 43 and 44, "Children's Code of the Kyrgyz Republic No. 100 of July 10, 2012 article 13, and also the Social Protection Development Strategy for 2012-2014 (paragraph 29) approved by Resolution of the Government of the Kyrgyz Republic No.755 of December 13, 2011 make provision for social housing (dormitories) for full orphans graduating from orphanages. Moreover, legislation stipulates that temporary housing out of the state or municipal funds must be provided by the Government of the Kyrgyz Republic.¹⁵ However, there are no legal mechanisms which clearly define sources of finances, the order of allocation and record keeping of the waiting list. For instance, according to the Resolution of the Jogorku Kenesh (the Parliament) of May 23, 2013 the Government was obliged to develop a state program on social housing

¹⁴ Note: in 2011 382 care leavers were sent to the streets <http://www.centrasia.ru/newsA.php?st=1327408080>

¹⁵ Article 13 of the "Children's Code of the Kyrgyz Republic" No. 100 of July 10, 2012.

for orphans. Yet, the program still does not exist. For the period of independence not a single house was built for orphans. There were only a few cases when local government agencies provided housing for orphans.

National legislation (Constitution, Children's Code, the Civil Code and the Housing Code of the Kyrgyz Republic) stipulates for inviolability of the property rights of the citizens, children in care and children without parental care, yet these rights are violated. Children are supposed to maintain the right to accommodation if parents are deprived of parental care.

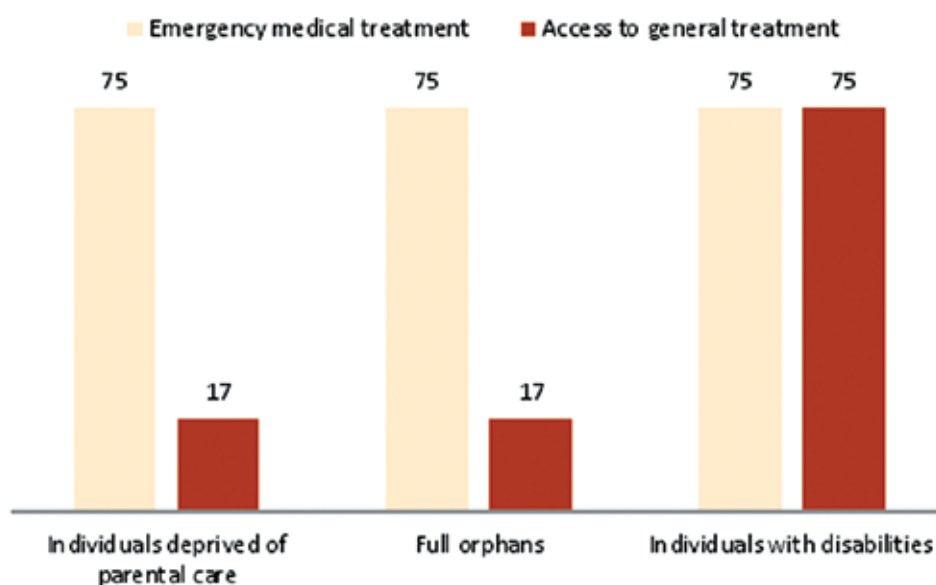
Article 44 of the Housing Code of the Kyrgyz Republic states that house ownership is retained after the property owner is temporarily absent or in case the children are placed in residential institutions. If the living space of children in care was occupied by other people, the government is to provide such children with housing immediately after they leave the residential institutions.

Practice shows, however, that record and preservation of property for orphans is not maintained properly. Local mass media numerous times reported cases of leavers of children's residential institutions who had housing but were deceived by their relatives, realtor services, corrupt local government or representatives of police.¹⁶

2.2. Access to Medical Services

Leavers of orphanages, as do other citizens, have full right to only emergency medical care free of charge. In-patient treatment for all patients who need emergency treatment is free of charge.¹⁷ Patients whose condition had stabilized have to pay for further treatment. Leavers of orphanages are not included in the category of people under the program of state guarantees on medical care.

Diagram 4. Access to medical services



Care leavers of residential institutions who were recognized as disabled at any age remain under the state social support and protection for life.¹⁸ The disabled have the right to free medical aid in state

¹⁶ The PF "Our Voice" provides housing to girls care graduates 02.09.2013 <http://cso-central.asia/fond-nash-golos-predostavlyaet-zhile-vpusknicam-detskix-domov/>

¹⁷ Enactment on co-payment for medical services provided by the public health organizations according to the Kyrgyz State Guaranteed Benefits Package, approved by the Resolution of the Government of the Kyrgyz Republic No. 350 of July 1, 2011.

¹⁸ Laws of the Kyrgyz Republic "On the Rights and Guarantees of Persons with Disabilities", "Kyrgyzstan Social Assistance Law", "On the State Benefits of the Kyrgyz Republic", "On the Principles of Social Services", "On State Social Order.

public health organizations within the state guarantees program, and also have the right to house care and in case of inability to meet basic necessities of life – access to support and housing in state care institutions for adults.¹⁹ In practice the legal norms are not fully applied. The worst thing is that disabled leavers of residential care, without relatives or any other support, are sent by the authorized bodies to nursing homes, where since young age they have to stay among elderly people.

Many care leavers have to move to big cities to find jobs, but have difficulties with the residence permit and as a result do not have access to medical services. This issue was partially solved (with the help of non-profit organizations): if the necessary documents are available to confirm the status of an orphan, local clinics will register young people in their lists for general treatment. However if the status of an orphan is not confirmed, and the majority of care leavers are not full orphans but children deprived of parental care, young people are only eligible for emergency treatment free of charge.

2.3. Obtaining Passport and other Documents

Special authorized government bodies under the registration services of Kyrgyz Republic provide all necessary legal documents to leavers of residential institutions that confirm their identity and circumstances of their rights and responsibilities origin (acts of civil status).

To obtain a passport of the citizen of the Kyrgyz Republic (ID- card) and regular international passport of the Kyrgyz Republic an orphan at the age of 16 (unless recognized as legally incapable by court) has to provide all necessary documents to the local passport department at the place of residence.²⁰

Citizens permanently residing in certain district area of the Kyrgyz Republic are registered at place of residence. Residence registration is required for citizens who temporarily changed their place of residence for period exceeding 45 days without removal from registration at permanent place of residence.

Law enforcement agencies and local government agencies are responsible for registration of citizens coming onto their territory.²¹

The Certificate of Birth, the Certificate of Marriage, the Certificate of Divorce, the Certificate of Paternity, the Certificate of Change of Name and the Certificate of Death are issued by regional or municipal Civil Registry Office, (ZAGS), by local government (Aiyl Okmotu) and by diplomatic or consular offices outside of the Kyrgyz Republic.²²

According to the research done by PF “Child’s Rights Defenders League” in 2010, leavers of care institutions obtain only personal documents and education documents. Yet, the documents confirming the rights of the children to property, finances, housing, pension saving book, a writ for the recovery of alimony and other documents are not given to leavers. Moreover, according to researchers not all care leavers receive a lump sum cash payment at their departure.²³

According to expert from residential institution *“many children arrive at care institutions without documents and the committees are not always able to find other important documents confirming their rights for property and benefits. Moreover, some important rights are proven only in court, which takes time, etc.”*

¹⁹ Article 70 of the “Law on Protection of Health of Citizens of the Kyrgyz Republic” No. 6 of January 9, 2005.

²⁰ Instruction about reception of documents, completion of documents, issue of documents, accounting, production of passports and personification of passports of citizens of the Kyrgyz Republic, approved by the Resolution of the Government of the Kyrgyz Republic No. 332 of June 20, 2011.

²¹ Resolution on “About Approval of the Situation on Rules of Registration and Removal of citizens of the Kyrgyz Republic from Registration Accounting in the Residence and the Place of Stay”, approved by the Government of the Kyrgyz Republic No. 886 of December 4, 2004.

²² Articles 4, 5 of the “Law on Acts of Civil Status” of the Kyrgyz Republic No. 60 of April 12, 2005.

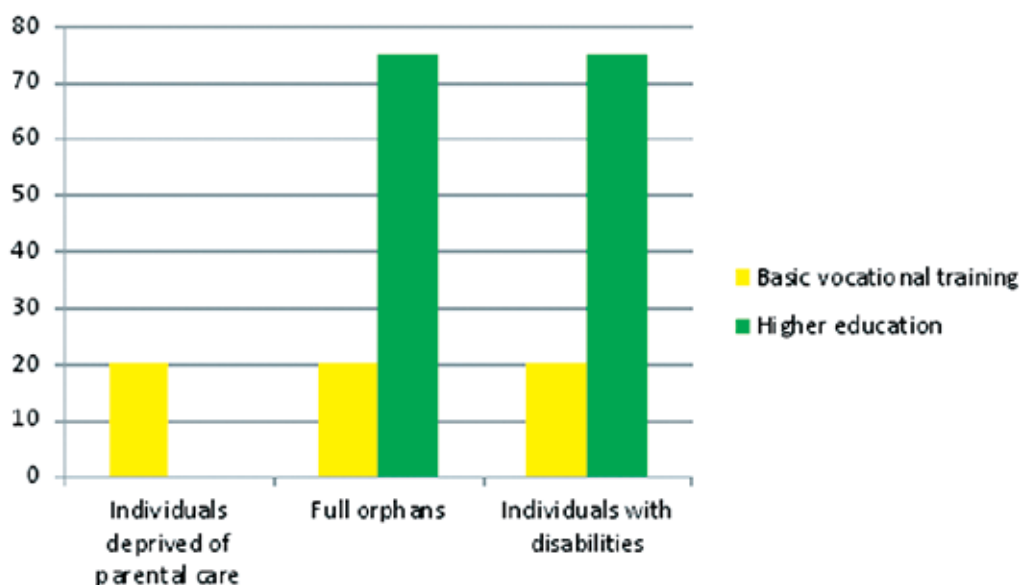
²³ Jakubova N, Turdubekova N, Gavrilova E. “Children’s Rights for the Family in the Kyrgyz Republic: Report of Research in 2009-2010”, Line-print, 2010. soros.kg/wp-content/uploads/2010/.../Report_lzpr.pdf.

In practice an orphan or child in care at the age of 16 receives a passport of the citizen of the Kyrgyz Republic with the residence registration at their residential institution. In 10 years, when a former orphan turns 26, the passport will need to be changed. Special report by Akyitkachy (Ombudsman) of the Kyrgyz Republic «The Right of Orphans to Housing» notices that due to absence of housing (thus residence registration) the former orphan loses several of his or her human and civil rights at the age of 26. The care leaver will not be able, for instance, participate in elections, give his or her surname to his or her child, change citizenship, obtain a highly paid job, apply for a state or municipal position, freely go abroad and return to the Kyrgyz Republic, receive social and health guarantees, go to court etc.²⁴ There is also a risk of becoming vulnerable if during these ten years the passport is lost or stolen; the leaver is again in a difficult situation - he or she will need to ask somebody to register them at their address (again, temporarily) or stay without a passport, which is a problem in itself.

2.4. Guarantees in Education System

The state is pursuing a policy of social protection of orphans in the education system. According to article 30 of the law “On Education” of the Kyrgyz Republic No. 92 of April 30, 2003, the education of orphaned children and children left without parental care (legal representatives) is implemented provided for by the state until they reach full age. After receiving secondary education leavers have a right to free basic vocational and then higher professional education. Full orphans, disabled individuals of first and second categories, military personnel in reserve considered as benefit holders can be enrolled into higher educational institutions non-competitively.²⁵

Diagram 5. Access to vocational training (age)



In order to preserve the intellectual and creative potential of our society and to protect the succession of cultural and scientific traditions, the Kyrgyz Republic maintains policies to support young people by providing state scholarships educational grants.²⁶

In the UNICEF report conducted by PA “My Family”, it states that less than 1% percent of the graduates of residential institutions of Kyrgyzstan continue their education in colleges or other higher educational

²⁴ A special report of Akyitkachy (Ombudsman) of the Kyrgyz Republic, 2014 <http://ombudsman.kg/archive/>

²⁵ Enactment on Republican Testing of Students Aspiring to the State Educational Grants, Approved by the Resolution of the Government of the Kyrgyz Republic No. 404 of June 2, 2006.

²⁶ Article 9 of the law “On State Youth Policy” No. 256 of July 31, 2009.

institutions.²⁷

In accordance with experts' opinion, the right of orphans to education is not fully exercised due to lack of teachers in all residential institutions. There is lack of teachers of English language, history, physics and ICT.

The problem is complicated by absence of normal educational and nurturing environment and due attention to intellectual development of children. Intellectual underdevelopment leads to the weakening of cognitive processes, lack of attention, poor memory, poorly developed thinking (visual-figurative, abstract-logical, verbal and other) and low level of erudition.²⁸

It is important to note that most care leavers receive only basic secondary education (nine years) and can then enter only basic professional vocational institutions. Very often even talented care leavers cannot enter higher educational institutions due to various daily life problems (absence of housing, financial and moral support). Therefore, lost opportunities in education for care leavers might have long terms negative consequences for employment and social adjustment in the future.

After graduation from educational institutions, according to experts, care leavers are absolutely not ready for independent life.

2.5. Assignment of State Benefits

According to article 10 of the law "On State Benefits of the Kyrgyz Republic", Enactment "On Order of Assignment of State Benefits" and Enactment "On Order of State Benefits and Compensations Payment" orphans have the right to receive monthly social allowance (hereafter MSA) in the absence of pension entitlements.

Monthly social allowance in case of loss of the breadwinner is assigned to care leavers in the following cases:

- until reaching the age of 16;
- until graduation from secondary school;
- until graduation from basic vocational and full-time higher education institutions, but not after reaching the age of 23.

MSA on loss of the breadwinner cannot be assigned if one of the parents is alive and reported missing. Only after court officialy recognizes that the parent is dead, the MSA can be assigned. The court decision has to be registered in the local Civil Registry Office, which issues the Death Certificate and only after this procedure the MSA is assigned as a case of loss of the breadwinner.²⁹

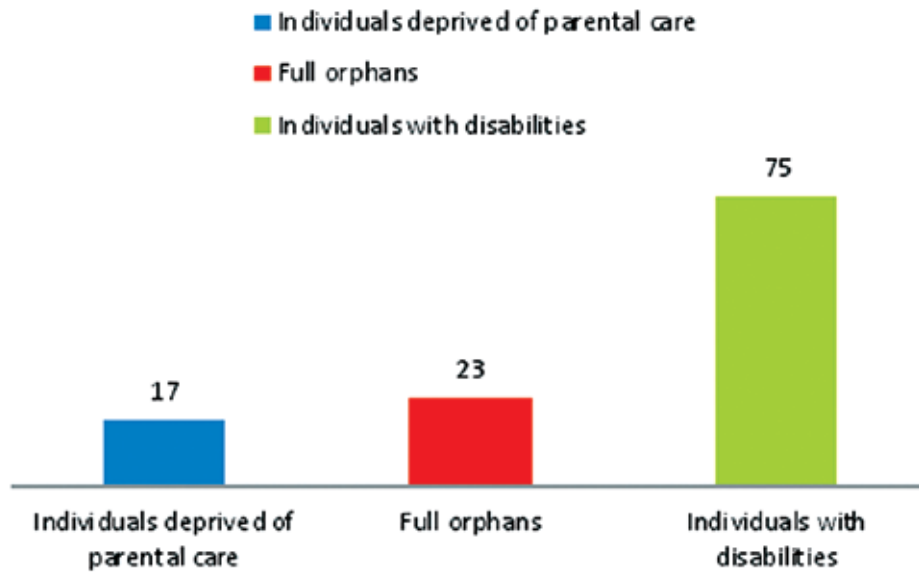
Orphans are assigned with the MSA only since the day of death of his or her parent or parents, provided that all necessary documents are available, but not later than twenty months after the death of parents.

The majority of care leavers have living parents who are not missing, were not deprived of parental rights, but do not take care of their children. Therefore, these children are in the similar position to orphans, yet they do not have the rights to receive state support. *Диаграмма 6. Доступ к социальной защите выпускников детских домов.*

²⁷ <http://www.centrasia.ru/newsA.php?st=1327408080>

²⁸ Development of a child without parental care <http://crisiscenter74.ru/tema-6-osobennosti-razvitiya-rebenka-ostavshegosya-bez-popecheniya-roditeley>

²⁹ Manual on basics of legal social protection of marginal groups (disabled, orphans, unemployed women, single mothers) Bishkek 2011

Diagram 6. Access to social protection

Monthly Social Allowance is assigned in the Following Amounts:

To under-aged care leavers:

- to disabled children - 3,000 som;
- to orphans, including the children whose mothers have died and had a status of a “single mother” in the absence of pension entitlements - 2,000 som;
- in case of loss of the breadwinner in the absence of pension entitlements - 1,000 som.

Care Leavers disabled since childhood:

- children disabled since childhood of the I group - 3,000 som;
- children disabled since childhood of the II group - 2,500 som;
- children disabled since childhood of the III group - 2,000 som.

Disabled Care Leavers:

- disabled children whose disability was caused by a general disease of I group in the absence of pension entitlements - 2,000 som;
- disabled children whose disability was caused by a general disease of II group in the absence of pension entitlements - 1,500 som;
- disabled children whose disability was caused by a general disease of III group in the absence of pension entitlements – 1,000 som.

Article 7 of the law “On State Benefits of the Kyrgyz Republic” entitles full orphans up to age 16 (students of secondary schools) to receiving monthly “allowance of a needy family” until their graduation from secondary school. However, young people in full care of the state (in orphanages) are not entitled to this allowance.

Once again, full-aged care leavers who are deprived of parental care (not full orphans) do not have the right to social benefits.

SECTION 3. Mass Media on Kyrgyzstan's Residential Institutions Graduates

In the past several years there were a few prominent publications on leavers of orphanages in media, but this category of youth has not yet been an object of serious research in Kyrgyzstan. Therefore, scant information available on care leavers, relevant non-profit organizations and authorized state bodies is scattered throughout many sources.

- Annually children's residential institutions graduate about 400 girls and boys, who need housing, jobs and education.³⁰
- According to the analysis of the Ministry of Science and Education of the Kyrgyz Republic only 12 percent of children in care are full orphans, while 88 percent are "social" orphans i.e. have one or more biological parent.³¹
- In Kyrgyzstan some parents from financially instable families placed their children in residential institutions, which resulted in loss of family ties and the loss of social skills of living in a family and society (ties with economic, social and cultural rights). Due to high unemployment many parents have to travel abroad to find employment, thus families fall apart, and children have to be placed in residential institutions.³²
- 117 residential institutions function in Kyrgyzstan (84 state and 33 private), with 10,908 children living in them.³³
- There are 300 youth organizations and 46 youth centers in Kyrgyzstan.³⁴ However, there is only one young organization started by a care leaver. There are two non-profit, non-governmental organizations "Oasis" and "Our Voice" who consider orphanage graduates as their target group and provide the care and support they are able to.
- Efforts of non-governmental organizations to provide temporary housing do not solve the problem of housing for the care leavers. For instance, in 2014 in Bishkek the first 'social hostel' was opened for the orphanage graduates aged 18-23. It can host only 60 people. Housing is provided temporarily for 12-18 months only³⁵. In addition, the first graduation from a social house was celebrated in Bishkek (created in 2011 by the Public Fund "Our Voice" with the help of private donations and without any foreign grants); the house hosted girls – former in-care children from all over Kyrgyzstan³⁶. Yet, when the time to leave comes the young people have to solve the problem of housing independently and in many cases find a "roof overhead" in criminal circles.
- According to International Labor Organization data, more than 50 thousand children in Kyrgyzstan do not have an opportunity to receive education due to various reasons, particularly absence of necessary documents, financial problems of families. Out of 672,000 working children 592,000 have jobs that do not suit their age or mental and physical development.³⁷

³⁰ Note: in 2011 382 care leavers were sent to the street <http://www.centrasia.ru/newsA.php?st=1327408080>

³¹ "National Study on Child Poverty and Disparity in the Kyrgyz Republic", Bishkek 2009, p.49. http://www.unicef.org/kyrgyzstan/ru/media_10685.html

³² Alternative Report on Implementation of International Covenant on Political and Social Rights in the Kyrgyz Republic (regarding children's rights protection) February 1, 2014. www.ccprcentre.org/.../INT_CCPR_CSS_KGZ_16332_R.pdf

³³ Analysis of the Situation of Children in Residential Institutions in the Kyrgyz Republic. UNICEF, 2012, p.7

³⁴ <http://www.knews.kg/society/43963/>

³⁵ Kyrgyzstan. Square Meters for Orphans 28.04.2014 www.24.kg/community/177859-kvadratnye-metry-dlya-sirot.html

³⁶ PF "Our Voice" provides housing for female care leavers 02.09.2013 <http://cso-central.asia/fond-nash-golos-predostavlyayet-zhile-vypusnicam-detskix-domov/>

³⁷ International Labor Organization: More than 50 thousand Children do not Have an Access to Education in Kyrgyzstan www.baldar.kg/

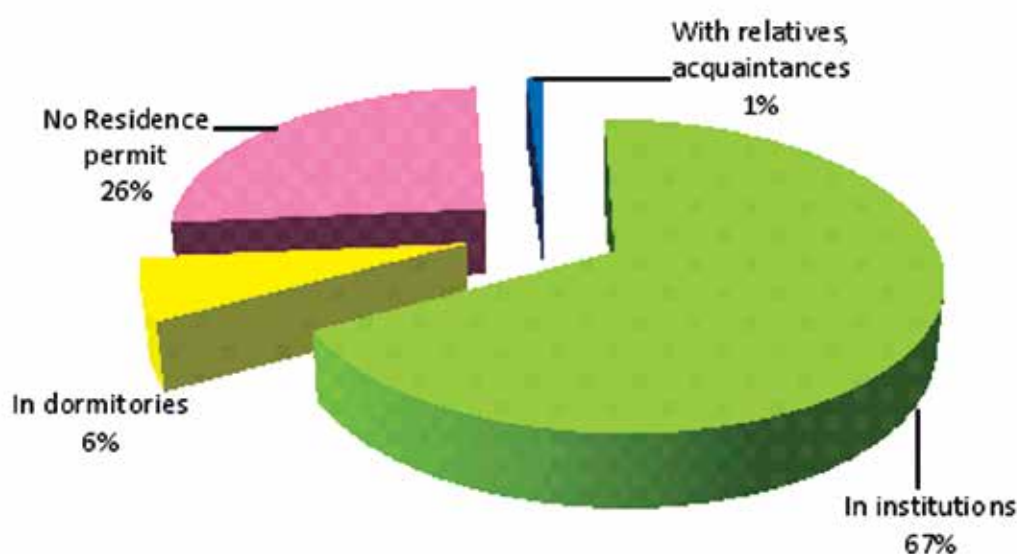
SECTION 4. Social Portrait of Orphanage Graduates (fieldwork results)

4.1. Access to Housing

According to 64.5% of care leavers, housing is a guarantee of social stability, confidence in the future and a basis of well-being. The research has shown that care leavers mostly go to the cities to live: in the capital of the Kyrgyz Republic 47.6%, 34% live and work in the southern cities, such as Osh, Jalal – Abad, Batken, Kyzyl Kiya and Kara-Suu and among these the majority live in Osh – 16.8%. In the northern cities (Karakol, Tokmok, Kemin, Kara Balta) 9.6% of care leavers live.

The survey revealed that 74.4% of interviewed care leavers have the residence permit, but most of them have temporary permit. Detailed analysis has shown that two thirds of care leavers are registered at their residential institutions and most of them are young males – 35.1%. Almost a quarter – 24.8% of respondents do not have any residence permit, which means they are unable to access various social, municipal and legal rights, including the right to vote.

Diagram 7. Residence Permit availability among the Care Leavers



Among the respondents – 3.2% were migrants who lived in the Russian Federation and could answer the survey questions, yet the sad facts was that they were registered at their residential institutions – a place that they left.

“It has to be noted that the residence permit at a residential place is often socially harmful for children, who try to hide their identity as care leavers, but have many problems with accessing to social benefits as a result”.

An expert of the non-profit organization

One of the questions of the survey was *“Who pays for housing?”* the answers were the following: the majority of care leavers of the residential institutions – 40.8% pay for their housing themselves; 8% said

that their relatives or friends share the rent. For 22.4% of the respondents other people pay for their housing; and 10.4% stated that their rent is paid by funds and directors of the residential institutions. The rest live at the place of their work, or at their friends' or acquaintances' places; some stated that they live at their "husbands' or wives' places" which means that they have been married informally.

Care leavers are not aware of their housing rights; for instance only 8.4% of the respondents stated that they have the right to inherit their parents' house. Only 3.8% of the questioned care leavers could clearly identify the problem of access to housing.

Among the barriers for exercising their housing rights the respondents named the following reasons:

"I have a piece of land from my parents, but do not have money to build a house on it"; "the family of my grandfather lives there, I do not want to bother them"; "my house was resold by my relatives"; "the condition of the house is too poor"; "we will not be able to provide for ourselves, if we live there, it is far away from the city and our relatives live there"; "my brother and his family live there"; "I have to defend my housing rights in the court"; "my aunt does not want to give it to me"; "my relatives live there and it is too far from my place of study".

However, the 10% of care leavers who tried to defend their rights for housing noted that had a lot of difficulties applying to various state and municipal agencies for housing. Among the answers they receive at the corresponding agencies they hear that *"there is no housing available", "the state does not have the money", or their inquiries are not accepted or even rejected.*

As the experts state, there are feelings of frustration, pessimism, fear of state agencies and official organizations are lack of trust to state agencies among care leavers, which is confirmed by the answers of the respondents.

4.2. Health

The respondents evaluate their health as: "healthy"- 35.8%, "ocasionally ill" – 40.9%, "often ill"- 13.6%, the other – 10.2% have chronic illness or a category in disability.

In case of being sick - 59.7% go to the local hospitals, where they are registered, another 17% prefer self-treatment, and only – 15.9% with permanent job or relatives who can help, can afford to pay for medical services.

"I went to the doctors many times, but they said I needed money, so I used alternative medicine".

Female care leaver, 19.

According to the respondents, care leavers face the following obstacles to receiving medical help: *"the necessity of a residence permit", "the price of the medical service", "the price of the medicine", "the absence of money" and "rudeness of medical personnel".*

After a long struggle by non-governmental organizations, the problem of access to medical help for care leavers was partially solved by *"registration according to their current residence and the doctors showed more respect to that."* However, not all of the respondents are aware of the procedure and know what to do. Here arises the issue of graduates not having mandatory medical insurance (MMI) to access a wider range of medical treatment and services.³⁸

³⁸Instructions to citizen of Kyrgyz Republic on receiving medical services through State guaranty program. http://www.foms.kg/index.php?option=com_content&view=article&id=213#8

MMI certificate is a document allowing access to MMI program medical services on reduced price. The owner of a certificate is insured. As of 15.01.2014 the certificate costs 500 som.

Children under 16 (students in general educational institutions – till their graduation but not after 18 years of age), students in primary vocational institutions, students in secondary vocational and higher educational institutions until the age of 21 (except for part time students) have the mandatory medical insurance fee paid for them from the state budget in the amount of 1.5 calculated rates per year.³⁹

Health condition is very important for any person. Young people are less sick due to their age, but as the experts note, many of them do not treat their health problems on time because of lack of finances and consequently might have serious health issues.

4.3. Documents Availability

Availability of documents proving identity, level of education, work experience, military service status and other information is key to securing and protecting rights person and citizen. The survey revealed the following: almost all - 99% of respondents have a passport and Birth Certificate (which is issued with initiative of institutions administration), 77.8% have Certificate of General Education (nine-years of education), 64.2% have Certificate of Completed Secondary Education, 3.2% have Diploma of Higher Education and 52.8% of respondents have various certificates from trainings and seminars.

Yet only 19.9% of care leavers have documents confirming the status of an orphan (Certificates of Death of parents). This fact confirms that majority of care leavers are not full orphans.

69.9% percent of interviewed leavers have medical record cards.

A matter of special concern is that only 18.8% of respondents have employment record books and only 14.8% of leavers have employment agreements. The main reasons, according to the respondents are low pay, not permanent jobs, also they are not officially employed, or that the employers are reluctant to hire young and under-aged people.

“It is necessary to adopt an official document confirming the status of an orphanage graduate so that s/he has access to medical and educational services as well as social support. But each graduate’s path is different so the document needs to be given only to those who truly are in a difficult life situation.”

Expert from an NGO

4.4. Access to Education

Education and professional training allow a person to have a good position in society. For this reason the administration of the residential institutions want their in-care children to receive a professional training to provide for their lives. 54.4% of respondents noted that the help of teachers and curators of the residential institutions was crucial for them to enter educational institutions; only 15.6% reported that they could enter vocational institutions without help and 6.8% used the help of their friends, relatives or acquaintances.

³⁹ Article 9 of the Law «On Health Insurance in the Kyrgyz Republic» dated November 18, 1999 №112

"I was looking for educational programs myself, did not know where there are training programs at universities."

Female care leaver, 18.

The experts note that many directors or teachers of residential institutions *"use their authority to help their in-care children to enter basic vocational programs on full scholarships and with dormitories. Very often the curators fill in the necessary documents themselves and apply for programs and the leavers have only to start attending classes."* This was the reason why 81.8% of respondents stated that they did not have any problems to enter educational institutions. In terms of the higher education – 10.2% of leavers pointed to a number of difficulties applying for higher professional education, among them *"financial difficulties", "lack of knowledge" and "problems with the documents."*

Legislation obliges educational institutions to provide housing to care leavers, which is why 81.6% of respondents said that they received places in dormitories without any problems. However, 10.4% of leavers had difficulties such as: *"problems with the places in dormitories", "did not know where to apply", "expensive and the schedule is strict"*.

In addition, care leavers had the following problems with studying: 16.8% complained about *"low quality of education", "lack of personal knowledge", "difficulties with the Kyrgyz language."*

Problems with teachers and instructors at educational institutions was reported by 9.7% of respondents.

The prevailing number of care leavers receive basic secondary vocational education; access to higher education is limited due to low motivation of leavers. Low quality of secondary education makes the leavers insecure about their knowledge. Also, leavers are not adapted to social life well enough to enter a higher education institution. The most important reason, according to the experts of non-profit organizations is the necessity of young leavers to "provide for their daily needs such as food and housing", "their difficult situation in life does not allow them to receive higher education." Such statements are confirmed by a number of teachers and curators who note that "many former children in care have to think about their daily needs, such as clothes, food and housing, and therefore, while studying have to work somewhere, which in many cases this distracts them from studying and causes health problems."

4.5. Access to State Benefits

A question on receiving social benefits for orphans showed the following results: 66.5% answered that they did not receive any benefits, 17.6% reported receiving but named various sums, and 15.9% could not answer. For example, some leavers stated that they received 1,725 som a month, others – 3,500 som and still others even – 1,000 som of benefits of the Social Fund of the Kyrgyz Republic. Moreover, the orphans received some – 1,000 som, others – 1,500 som for the loss of the breadwinner, as a low-income family some received – 350 som, as a special benefit for orphans – 2,000 som or 5,000 som, as a "half-orphan" – 1,000 som. Some of the respondents noted that they had their benefits saved in bank accounts and received them when leaving their residential institutions.

There were 50.6% of respondents who did not apply for benefits, 5% who noted that they were *"sent to various agencies", "lots of bureaucracy, reference papers, which need to be updated every half a year", and another 4% percent who stated that they "honestly, do not know that the benefits were there."*

According to the state agencies expert opinion *"Leavers after reaching the age of 18 did not know that had the rights for benefits, since they did not apply to the corresponding agencies. The situation is complicated by the need to update documents in case of moving to another area, yet to accomplish that a leaver has to have a residence permit."*

For the sake of justice it should be noted that not every 16 year old raised in a family is capable of working on official papers.”

Head of residential institution

“One more problem is that children do not have the full package of documents to claim benefits, and a lot of time is needed to prepare all of them, sometimes until the time a child reaches his or her full age. Even if prepared, the amount of the benefits do not cover the spent resources on them. This situation is aggravated by a functional illiteracy; children in care cannot fill in a simple form due to an inability to take care of himself or herself and without the help of adults cannot claim their rights.

“I don’t believe that government will help me. The government does not even know about me. Nobody needs me. My mother did not need me and you say government...”

Care leaver, 20

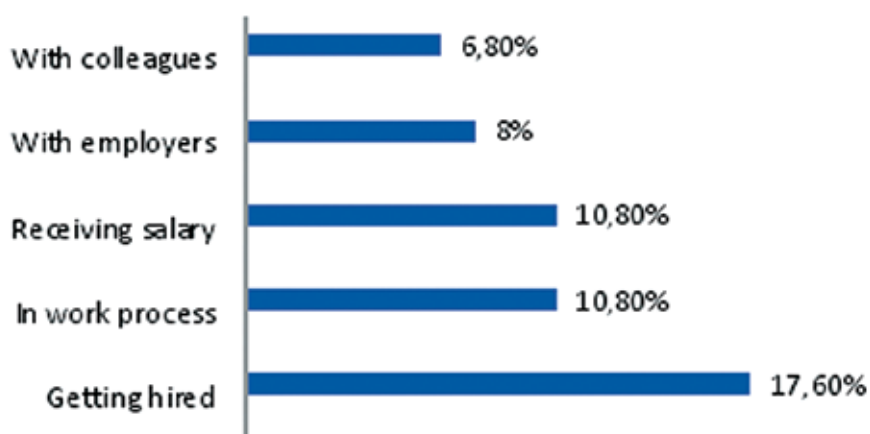
Moreover, as it was mentioned above, the majority of leavers are not orphans and do not have the right to any benefits even if they have do not have a place to go after leaving their residential institution (or graduate from vocational training), do not have ties with the relatives or any other support or savings.

4.6. Employment

Employment is important for care leavers to survive and they have to work from the age of 14-17 even if they become students.

In terms of problems with employment, the care leavers stated mostly difficulties in finding a job - 30.1%; another 10.8% noted facing difficulties in the process of work and others had issues in receiving their pay. Also some respondents (8%) faced the difficulties in communicating with the employers; and 6.8% in relationships with the colleagues. As the results of the survey show, young leavers at the age of 15 and 18 suffer the most since they do not have any working experience. According to the teachers of the residential institutions *“care leavers are lazy and impatient with routine jobs, and in addition they are not able to communicate with colleagues and their naivety and gullibility make them victims of fraud and exploitation.”*

Diagram 8. Issues faced in employment



One fifth of respondents – 20.5% noted that they sought work for a year; another 11.4% found a job in a one month period. Only a few took care to find employment while still in institutions; still others – 6.3% were unable to find a job for more than a year or even more than three years. Male care leavers

had more difficulties in this regard - more than 48.1%, than the female ones – 34.5%, who mostly work in services and unskilled sectors.

After receiving higher or vocational education only 34.8% work in their specialty, the other 65.2% percent have to take available jobs. To the question “How many jobs have you had changed?” more than a half – 55.7% (more of them were young leavers, some were still studying) noted that they had often to change jobs, especially the young male leavers. Only 25% of the respondents (girls at the age of 20 and over) noted that they have permanent jobs.

Concerning the conditions of the jobs 56.8% of respondents were not satisfied with their current job, yet one fifth - 20% – were not satisfied with their jobs, mostly because of low salary and bad quality of work condition; another 6.8%, mostly people over the age of 21 agree to have any job in case if it is highly paid.

9.7% want to have managerial positions (administration, management, to run their own business, education management) and one young man was planning to replace a deputy in the government. 71% of respondents expressed their desire to run businesses, but another 19.3% think that business does not suit them or they have no desire to run it.

More than half – 53.4% stated that they have professional skills mostly in service sector: cooking, baby-sitting, repairing skills, nursing, hairdresser skills; and 13.6% responded that do not have any skills since they are still studying.

The experts note that the employment problem among the leavers appears due to “unwillingness of leavers to perform a monotonous job, absence of skills, and poor communication skills. They become victims of deception and abuse, which as a result, turns them to be embittered and rude.”

*“I have changed jobs many times
I can't stay at one place for a long
time.”*

Care Leaver, 20

To help us understand why only 30% of care leavers noted that they have had issues with employment while more than half responded that they had changed jobs numerous times, we asked a counseling psychologist, who stated that: *“Perhaps the results showing that care leavers underestimate the difficulties related to employment can be explained by the fact that for these young people conflict, frequent job rotation do not register as a problem, but rather a normal (and in certain cases normative) situation. When a person is not used to looking for causes of his problems in himself, he is free from consequences, free not to make decisions and thinks that he has no problems at all.”*

“As soon as they find out that you are from an orphanage they change their attitude. No trust, watching you, talking behind your back and start hiding their bags. I could not work there. I even wanted to steal something when leaving, just to confirm their bias. But changed my mind. Sometimes I just want to scream...».

Care leaver, 24

4.7. Family Ties and Attitude to Family

The majority of respondents were single. Despite the fact that they grew up in residential institutions some of them are regularly in touch with their families (24.4%) and relatives (29.6%). Others are in touch occasionally – 22.8% and 28% percent correspondingly. Male leavers are in touch with their families more than females, this possibly is related to kinship tradition, and that girls are seen as someone who will become part of a different family. Respondents who do not wish to be in touch with their relatives make up 17.2%, almost equally divided between males and females.

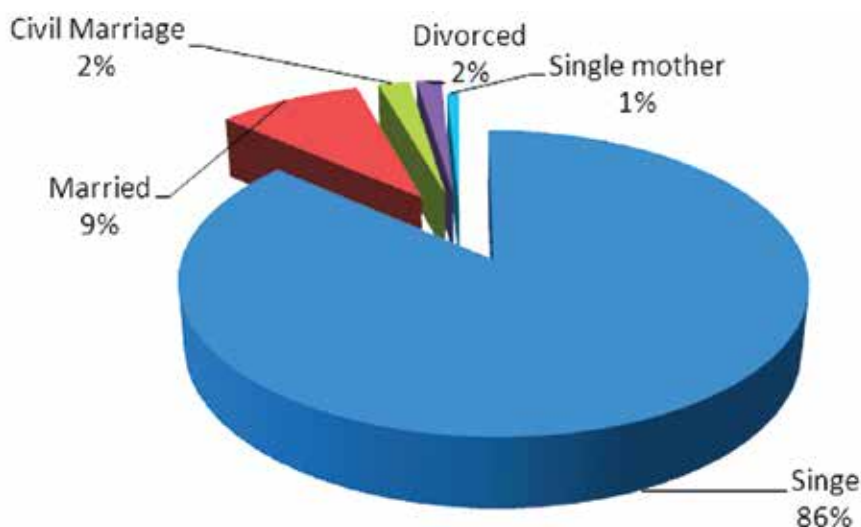
34.8% of respondents do not communicate with their family and 24% lost any family connections; among the latter the female leavers are prevailing.

Only two positive answers to a question *“If you will have children and difficulties in your life, will you place your children to residential institutions?”* were given by one male young leaver aged 22 and one female leaver aged 18, where a girl had already given her child to a residential institution because as she stated *“in care I got more help than at home.”*

“Happiness?” For me happiness is when you feel that you are needed, that somebody is worried about you and is waiting for you...».
 Female Care Leaver, 22

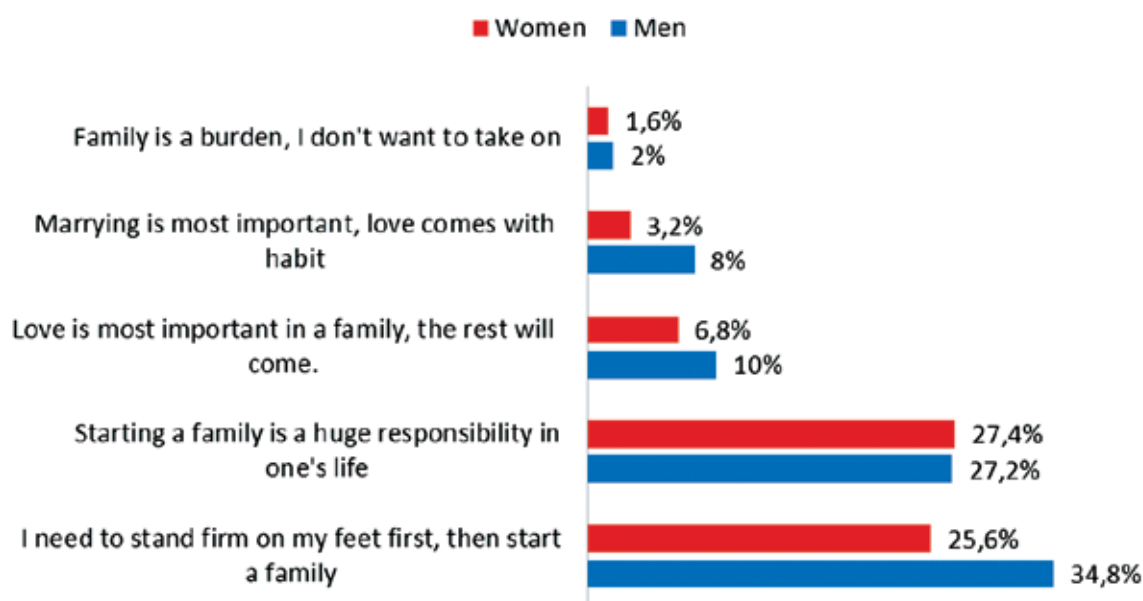
86.9% were against the idea of placing their children at residential institutions, and 8% respondents (among them 5% percent males and 3% percent females) were ready to give their children to care only *“case of emergency.”*

Diagram 9. Marital Status of interviewed Care Leavers



The majority of interviewed graduates take a practical approach to the role of a family. 60.4% from the total number of respondents think that *“First one needs to get a start in life and then start a family”*, 54.6% believe that *“Starting a family is a big responsibility in one’s life”*. Only 16.8% trust love to lead. A more detailed analysis shows that young men are more prone to taking responsibility upon themselves.

Diagram 10. Leavers’ attitude to starting a family

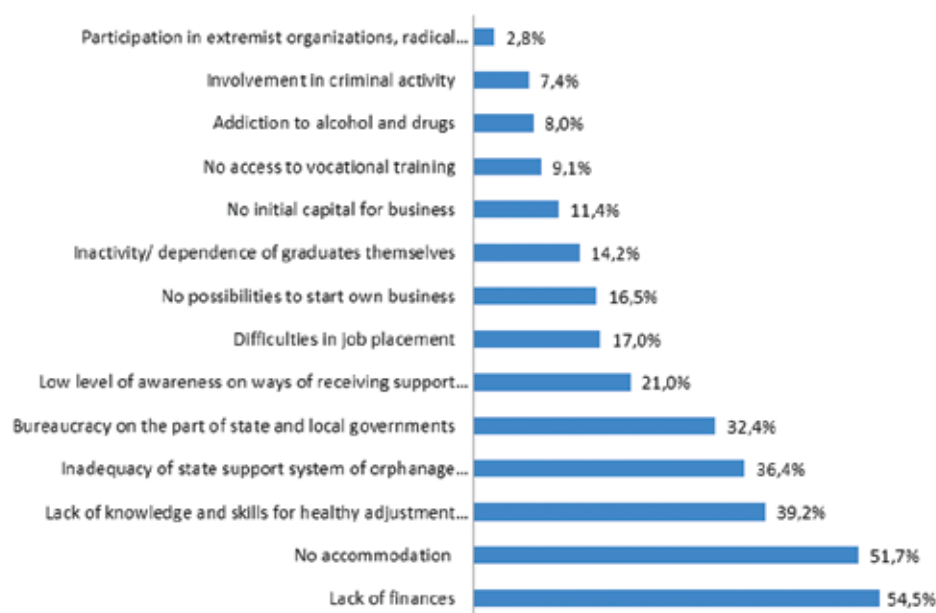


4.8. Risk group

Among the many issues that objectively hinder a healthy adjustment of orphanage leavers to independent living more than half of the respondents noted “Lack of finances” (54.5%) and “No accommodation” (51.7%). 36.4% pointed to “Inadequate state support of leavers”, 32.4% named “Bureaucracy on behalf of states and local authorities”, 16.5% “No possibilities to start a business” and 11.4% “Lack of initial capital for your own business”.

Among the subjective issues almost 40% of respondents – graduates of orphanages - pointed out “Graduates’ lack of knowledge and skills for social adjustment and integration” (39.2%), “Low level of awareness on support available from state and local authorities” (32.4%), “Inaction/ dependency of graduates themselves” (14.2%), “Alcohol and drug addiction” (8%), “Participation in criminal activities” (7.4%), “Participation in extremist organizations, radical religious activities” (2.8%).

Diagram 11. Issues hindering orphanage graduates’ sound adjustment to independent living

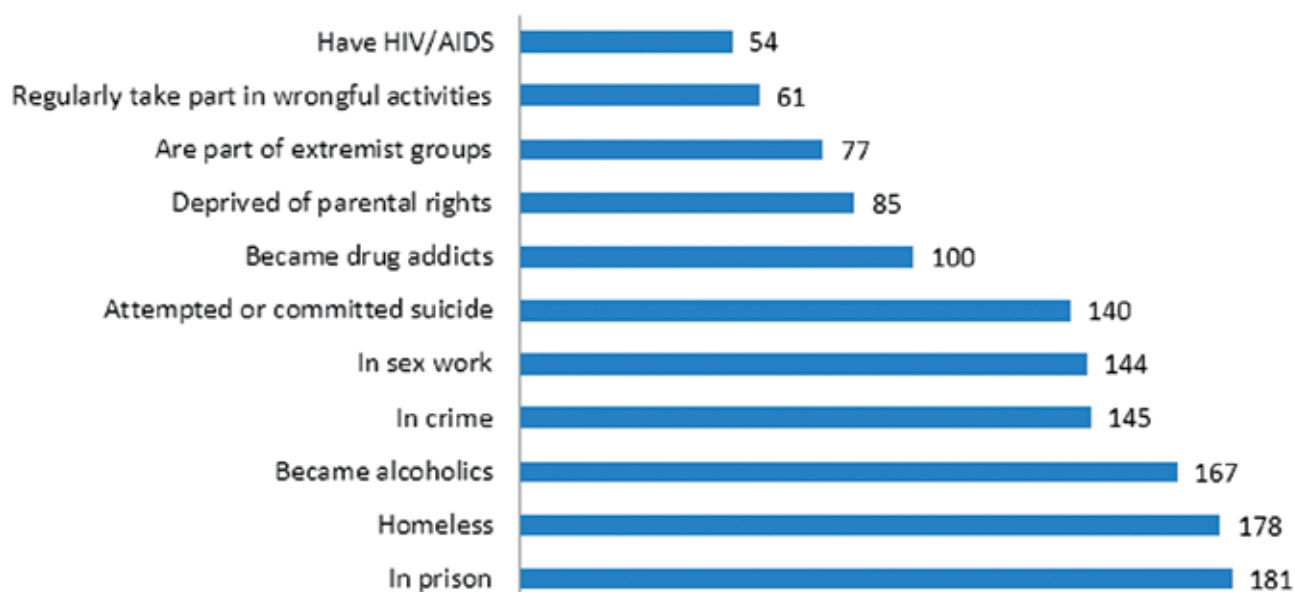


To the question “Do you know anyone among graduates of your or other orphanages who are part of any of the following adverse activities or lead an asocial lifestyle?” the following sad picture was portrayed. It is important to note that these numbers are a sum of all the answers given by respondents. The survey showed that respondents know about two hundred graduates of orphanages who are “in prison” and 178 who “are homeless”, 167 who “became alcoholics”, 145 who “are involved in crime”, 144 who “are in sex work”, 140 who have “tried or committed suicide” and 100 who “became drug addicts”. These are only the facts that are known to the graduates we were able to interview. But it is also worth noting that interviewed leavers of one orphanage might know and mention the same five young people, for example, who are involved in crime. But on average, half of the interviewed know 1-2 people in most of the categories below.

Experts are certain that lack of attention on the part of the state to the issues of orphanage graduates creates tough conditions for their social adjustment and sometimes causes them to merely survive. We are forced to admit the fact that this group of young people is highly vulnerable to joining the ranks of deconstructive groups of society.

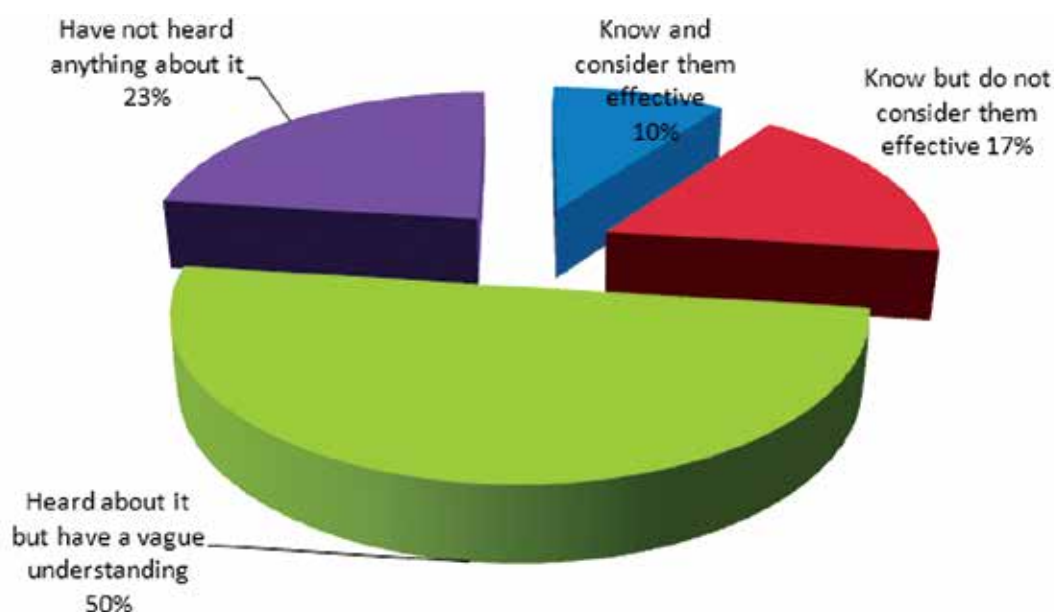
One Russian study found severely reduced life chances for adults who had spent their childhoods in institutions: 20% had a criminal record, 14% ended up in prostitution and 10% committed suicide. Care leavers were therefore 10 times more likely to be involved in prostitution as adults, 40 times more likely to have a criminal record and 500 times more likely than their peers to commit suicide.⁴⁰

40 Pashkina (2001). *Sotsial'noe obespechenie*, 11:42–45. Cited in Holm-Hansen J, Kristofersen LB, Myrvold TM eds. *Orphans in Russia*. Oslo, Norwegian Institute for Urban and Regional Research (NIBR-rapport 2003:1).

Diagram 12. Number of graduates leading asocial lifestyle

4.9. Access to information on government support available to orphanage graduates

The level of awareness of state support measures of leavers of orphanages is as follows. Only 27% from the total number interviewed know about the state measures of supporting graduates, 50% “heard of it but have a vague understanding” and 23% “know nothing of it”.

Diagram 13. Awareness of state support measures of orphanage graduates

Answering the question on what organizations they can turn to for support, 42% of respondents named several public funds while almost nobody named authorized state bodies or local government bodies; only two respondents naming police and hospital. So more than half (56.8%) of respondents do not know where to go to for support. Naming the organizations they do know to go to for support, they mainly named two NGOs working directly with leavers, their own orphanages and other non-government organizations they came across: Public Fund “Our Voice”, Public Charitable Fund “Oasis”, “SOS villages”, “Meerim bulagy”, “Nurmeisa”, legal clinic “Adilet”, “Alpine Fund”, police and hospital.

4.10. Involvement in social issues

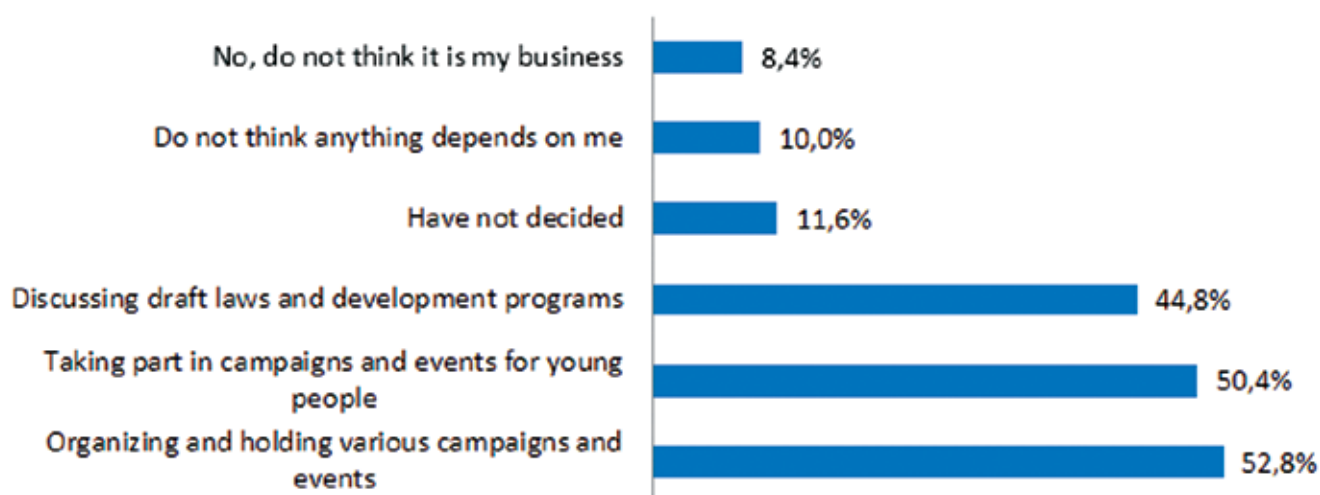
The survey showed graduates' low level of involvement in social issues. Only a few answered that they "participate in the work of a youth organization" (4.4%), "participate in some public, mass events" (4%) or "regularly participate in city cleanups and other one-time events" (2.8%). Also a number of respondents, 4.4%, responded that they "do not participate in any activities but would like to".

"Low level of involvement in social issues can be connected to a number of things – low self-esteem, low level of trust, lack of social and practical skills, lack of social support network and mere inactivity."

Expert - educator

With the straightforward question asking about willingness to cooperate with state bodies, local authorities and non-governmental organizations in conducting events to improve life conditions of orphanage graduates, more than half of respondents answered positively. Still some were still not willing to participate in any such activities.

Diagram 14. Willingness to take part in activities to improve life conditions of orphanage graduates



Involvement in social issues can be expressed in appealing to state and local authorities for assistance. Here as well the results of the survey show low level of activity among orphanage leavers seeking help. Several dozen of respondents applied to state and local government offices for assistance but many faced negative attitude and behavior, such as: "disrespect on the part of government workers", "indifference, treated me as if I was an outcast", "when I went to the police I was right (telling the truth) but they humiliated me and didn't listen to me".

"When I went to police to protect my rights I was denied help because I was not 18 yet. They did not accept my statement and did not tell me what to do instead."

Graduate, 18 years old

Responding to the question "Do you have any suggestions to specific government offices to change the situation of orphanage graduates?" respondents found it hard to name any specific offices and tended to address the government in general.

Диаграмма 15. Ожидания выпускниками детских домов помощи от государства

The majority (64.5%) from the total number of leavers interviewed would like the government to assist in resolving the issue with accommodation. They are open to any type of resolution since no one (neither in Russian or Kyrgyz questionnaires) stated that they want a separate new and big apartment or house. More than a quarter (25.7%) stated that they need financial support from the government “at least initially”, and 23.8% are looking for assistance in employment. There is need for legal protection (17.5%) and in further vocational training (15.1%).

“... Left the orphanage with 25 som in the pocket, passport and a verification letter that I an orphanage graduate. Don't know what to do next, where to go. And this long awaited freedom doesn't gladden any more. Just want to go back to the orphanage...”

Graduate, 17 years old

CONCLUSION

Legal support of the orphanage graduates in Kyrgyzstan significantly decreases as soon as they leave their educational institutions (children's homes, boarding schools, vocational lyceums) when they turn 18. This is especially true for those of them deprived of parental care.

According to the research results this category of young adults is neglected by the government institutions in our country, even though they actually live in very difficult circumstances (low income, unemployment, lack of housing, loneliness, emotional situation linked to inability to overcome these difficulties etc.)⁴¹

Information about rights and responsibilities as well as of the ways to solve legal issues is not fully provided for the graduates. These conditions lead to isolation of orphanage graduates in social environment and complicate the process of their social adaptation and integration to the community.

Similar sad practices are also common in world experience. The transition to independent life happens rapidly and quickly. It is assumed that these teenagers can immediately become adults, even if they graduate in the age of 18. According to the legislators' actions, it turns out that as soon as children turn 18 they automatically do not need any help and support. So as soon as they are graduated the government stops providing home, sustenance and financial support to these children at the most difficult period of their life, when they are faced with so many changes and challenges, including attempts to understand themselves, learn how to plan and how to survive and becoming suddenly independent. This rapid transition to adult life is significantly different from those of teenagers growing in normal families, because they always feel the help and support of their relatives in this period as well as for their whole life.⁴²

Hence, we can conclude that today graduates of orphanages, independently of their social status, are one of the most vulnerable groups of population, living in extremely difficult situation in Kyrgyzstan.

⁴¹ Article 5 Code of the Kyrgyz Republic on Children, July 10, 2012 № 100.

⁴² Mike Stein and Kate Carey (1986) Leaving care.

FINDINGS

A detailed review of the current legal acts regulating the work of the authorized bodies in terms of the rights of orphans and children left without parental care in children's homes revealed the following picture:

- The priorities of children, racial and ethnic equality, care for elderly people, gender equality and respect to religious diversity, are written down in the main state law. However, the word "youth" is never mentioned in this document. As a result young people who constitute 30% of state population and serve as a major human resource of the society are not constitutionally supported as well as youth policy itself. Practice proves that youth issues are of a secondary importance in understanding of politicians, state and municipal agencies. At the same time there are very vulnerable groups among young population and they really need social support. However, they are out of the sight of authorized state institutions.
- All adult graduates of the orphanages, especially those who are not orphans but have been deprived of parental care are also deprived of legal and social support, because for this category of people there is no provision in state legislature. Orphanage graduates, even if they are below 18 years old, have to address competent state and municipal authorities on their own behalf in order to get social support and services as well as for legal protection. However, this opportunity is very limited, because most of them do not have necessary documents.
- Orphanage graduates are attributed as a vulnerable social group only in the bylaws, which are limited in time and work only within certain departments and sectors. Unfortunately even these bylaws will be no longer valid in 2015. In the provisions of other state institutions this category of youth is hardly mentioned at all. In the best case these provisions say few words about «orphans». In this respect, even if government officials really want to help adult orphanage graduates, they would not be able to do so because there is no legal basis to use state budget means. May be this factor serves as one of the reasons for lack of coordination and cooperation between state agencies in relation to youth policies.
- The research shows that of age orphanage graduates, even those who have received vocational training, are one on one with a number of socio-economic, financial issues, housing problems, emotional and psychological challenges of the adult life. All of that is getting worse due to lack of life skills and the functional illiteracy of the orphanage graduates. Therefore, if there is no proper attention from the government to the issues of the orphanage graduates, then social adaptation of this category of young people will likely be of a negative nature. It is very important to note that special training of life skills, such as "Passport to Success" are highly important and have to be implemented. This kind of training courses helps orphanages graduates to get prepared for adult life.
- In this respect world experience shows negative influence of residential institutions. Researchers claim that orphanage graduates lack skills for independent life and that this is common in many countries. It is true especially for those who have graduated from large residential institutions. According to research results young people do not possess any knowledge and skills in the following areas: personal budget control, healthy food, cooking, personal hygiene, ability to build and sustain relationships, ability to look for help and addressing government institutions for help. Some institutions focus on safe sex education but at the same time their graduate orphans have no idea how to cook simple meals⁴³. • The actual deprivation of the right to housing for the orphanage graduates, deprives them of the registration (propiska) and, therefore, causes violation of all social rights of the orphanage graduates for health care, education, business,

⁴³ Stein and SOS Children's Villages (2012) 'When Care Ends: Lessons from Peer Research' Executive Summary

employment and social provisions. Altogether it promotes the growth of infantile, nihilistic and aggressive attitudes among young people in this category. It also increases the likelihood of their involvement in a variety of risk groups. Developed countries are in the middle of an active process of deinstitutionalization of children's residential institutions in order to overcome the negative consequences related to life and education in these institutions. Health problems, lag in the socio-psychological development, problems of the personal growth are among these negative consequences.⁴⁴

⁴⁴Tobis David, 2000, Moving from Residential Institutions to Community-Based Social Services in Central and Eastern Europe and the Former Soviet Union pp. 62.; UNICEF (2003) Changing Minds, policies and lives; Browne, K in association with Save the Children and the Better Care Network (2009) The Risk of Harm to Young Children in Institutional Care; Eddy J. Walakira et al. Residential Care For Abandoned Children And Their Integration into a family-based setting in Uganda: Lessons for Policy and Programming in INFANT MENTAL HEALTH JOURNAL, Vol. 00(00), 1–7 (2014)

RECOMMENDATIONS

I. To Jogorku Kenesh of the Kyrgyz Republic and the Government of the Kyrgyz Republic

1. 1. On a legal basis, authorize a certain state agency to protect the rights and interests of orphanages graduates. This body will play the leading role in providing state protection to this category of youth. According to the experts, this role can be delegated to the Ministry of Social Development of the Kyrgyz Republic, because its major responsibilities are to provide effective social security and special services to socially vulnerable groups of citizens, including families and children living in difficult situations.⁴⁵

With its own legal status this state agency can:

- Modernize legislation and law enforcement, shape relevant policies, guarantee just protection of rights and freedoms of orphanage graduates;
- keep records and monitor orphanage graduates all over the country, create and update the database;
- create and provide favorable socio-legal (securing necessary documents, housing, access to state and municipal services), psychological and educational environment for post-institutional care of orphanage graduates until the age of 23 years old;
- have a significant input in the creation of the system of social adaptation and integration of orphanage graduates;
- claim alimony for children deprived of parental care from their parents
- effectively develop cooperation and coordinate interaction between state and municipal agencies, institutions of civil society and stakeholders in order to protect the rights and interests of the orphanages graduates.
- Strengthen the state and public control over the processes of social adaptation and integration of orphanages graduates locally and generally in the country.

2. It is necessary to adopt a normative legal act that will give orphanage graduates the legal status of “orphanage graduates” and clearly regulate provisions of the higher laws for the citizens having this status in order to provide them housing, access to medical services, education, social support and successful integration in the community.

3. It is necessary to introduce common standards of assessment and monitoring of the activities of state bodies, local administrations and non-profit organizations in relation to protection of the rights and legal interests of orphanage graduates and the creation of a favorable environment for their social adaptation, employment, access to medical and educational services and housing.

4. Executive branch authorities and local government need to actively work for consistent and step-by-step deinstitutionalization of the children’s residential institutions and create conditions for and provide protection of the rights of each child to live in a family environment in order to minimize the negative outcomes caused by living and growing up in a collective institution.

5. It is essential that mandatory special courses of life and social skills, legal awareness and general preparation for independent living are introduced and conducted in orphanages.

⁴⁵Regulations on the Ministry of Social Development of the Kyrgyz Republic, approved by the Government of the Kyrgyz Republic, February 20, 2012. N 121.

II. Recommendations to local non-government organizations and international organizations working with vulnerable youth

1. Facilitate the development of an integrated social mechanism (that includes authorized state agencies, city councils, relevant NGOs and the business sector) on social adjustment and integration of graduates of residential institutions.
2. Conduct public hearings of relevant regulatory legal acts of various ministries and departments, regulating social protection of orphanage graduates.
3. Facilitate further training of decision makers, state and local government workers and activists of non-government organizations, as well as of graduates themselves.
4. Facilitate step-by-step deinstitutionalization of residential institutions.
5. Support holding special courses on life skills, such as, for example, “Passport to success ®” to help prepare young people in care of residential institutions to independent living.
6. Promote progressive international and local experience of foster care throughout Kyrgyzstan.
7. Enhance public oversight of orphanage graduates’ social adjustment and integration locally and in the country in general.
8. Develop monitoring and evaluation standards, taking into consideration successful international experience, of activities on enforcing the rights and protecting legitimate interests of orphanage graduates and creating conditions for their social adjustment, employment, access to housing, medical and educational services.

III. Recommendations to the management of residential institutions

1. Provide information on leavers of institutions to the authorized department and the statistical office.
2. Support interaction and cooperation between state and local agencies, civil society organizations and interested parties in leavers’ post-residential accompanying.
3. It is necessary to establish mandatory special life skills courses for in-care young people to eradicate functional illiteracy (relating to others, relating to employers, appealing to government agencies etc.)
4. Further training of residential institutions staff on social adjustment and integration of orphanage graduates.

ENCLOSURE

Even a determined young person needs support from adults

Nurlan graduated from Belovodsk Special School (Reform School) at 16 and wanted to study to be a cook. At the technical school he was told that they cannot accept him because he is too small, will not reach the work tables and cope with the work load. Nurlan was small, like many of the young people graduating from orphanages, due to lack of nutrition and other factors of his difficult life that have impacted his growth and development. Nurlan was very upset, he was told to wait a year and apply again.

For one year Nurlan worked in different cafes. The following summer one of the Oasis social workers was surprised and happy with Nurlan's continuing determination to study to be a cook. Nurlan contacted the school but was told that the group was full. Then one of the Oasis social workers contacted the director and reminded him of the last year's promise. By now Nurlan had grown and matured. He was enrolled and given a room in the dorm. Oasis took the responsibility of walking and mentoring Nurlan while he is learning a profession. We are receiving good reports from his school.

Name had been changed

Abuse survivor

We've met Aiperi when she was still in the orphanage. When she left the orphanage she did not come to Oasis youth center very often, she spent a lot of time studying. After a while though, she started coming every week. Other young people mentioned that something happened to her. Eventually she told one of Oasis staff that she was raped by her brother. When this became known at her vocational school she was expelled for "indecent behavior".

Not having the dorm to live in any more Aiperi asked to stay with someone she knew who has let her stay for free. She is not 18 yet, it is hard for her to find a job since employers will not hire minors.

Recently Aiperi thanked the youth center staff for the support she was given during this tough period of her life. "I didn't even have food to eat, and you helped me. Here at the youth center it warm, we can drink tea, hang out and learn. Here I can share about my difficulties, I can trust you, and life becomes easier."

Name had been changed

Most important is to believe in yourself!

Svetlana came for help to "Our voice" in 2013 when she was 16. According to her, her mother started drinking after her father died and the house was constantly full of drunken people. She was the oldest, so her mother made her earn money to buy vodka since she was 10. She had younger sisters. So, since the age of 10 Svetlana worked in the field to earn some bread for her sisters. During one of the drinking parties at home she was raped. After that she took her sisters and ran away to Karakol city. There she found an orphanage and asked to stay there. After graduating from the orphanage she didn't have a place to go to. Her mother continued drinking.

We settled her into our social house where she received psychological, legal and medical help. It turned out that she had a chronic kidney and female organs condition. She did not receive any treatment after the rape, of course. During one year she received needed medical help.

Today Svetlana is studying at a technical school to become outer garments designer, she also graduated from hairdressing courses and has a part time job as a hairdresser. She is learning again to relate to and trust other people. "I realized that everyone is responsible for their own life. I need to become independent to help my sisters and my mom, she needs to be rescued. I am thankful to "Our voice", all of the staff, who have become so dear to me and thanks to whom I have learned what I know now, and mostly – to believe in myself!"

Name had been changed

Responsibility for the young

Luiza has 5 brothers and sisters. Two brothers and a sister are still in an orphanage. They are full orphans. They had to deal with much after their parents died. They lived on the streets and went hungry. And Luiza, being the oldest, always took care of the younger siblings. So the sense of responsibility so characteristic to her stems from childhood. After coming to “Our voice” for help, Luiza received psychological and legal support. She actively participated in all the trainings provided by the organization, took part in all the events. She now is the coordinator of the leavers’ initiative group in Chui province. She is learning to apply the knowledge gained in trainings – lobbying interests of leavers. She lives independently, helps her younger brothers and sister. She has many goals she’s set. And we believe she will reach them.

Name had been changed