

BACKGROUND PAPER

INSTITUTIONAL VIOLENCE AGAINST CHILDREN: HOW TO COPE WITH THE INEVITABLE AND THE UNCONQUERABLE

Victoria Schmidt

Masaryk University, Institute for Research of Inclusive Education,
Brno Czech Republic

Suggested Citation:

Schmidt, V. 2017. “Institutional Violence against Children: How to Cope with the Inevitable and the Unconquerable.” Background paper. Ending Violence in Childhood Global Report 2017. Know Violence in Childhood. New Delhi, India.

ENDING VIOLENCE IN CHILDHOOD GLOBAL REPORT 2017

BACKGROUND PAPER

INSTITUTIONAL VIOLENCE AGAINST CHILDREN: HOW TO COPE WITH INEVITABLE AND THE UNCONQUERABLE

Victoria Schmidt

Masaryk University, Institute for Research of Inclusive Education,
Brno Czech Republic

Abstract

This paper, produced for the **Know Violence** global learning initiative, looks at the violence children experience in closed institutions in the Central Asian countries, specifically the former Soviet republics: Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. In these countries, despite considerable efforts to develop alternatives, the number of children placed in various residential care units remains extremely high. In-depth interviews with local experts and focus group discussions in these four countries were the main method of gathering data as well as desk research focussing on statistical reports, analysis of residential care reports produced by the Ombudsmen, and various publications from the projects, which were involved in monitoring closed institutions and preventing violence against children in them. In our analysis we have focused primarily on the resonance between the Soviet legacy and the very visible pressure from international bodies for the countries of the Global South to adopt the models and approaches of the Global North. We reviewed current approaches to institutional violence in order to draw up a methodology to connect policy-making, legal reforms and assistance (both professional and quasi-professional) around children and their rights.

Keywords: institutional violence, post-Soviet countries, children's rights

Introduction

Our starting point was to consider the framework in which discussions about the appropriate treatment of children now take place, as a basis for analysing the various pressures at work on those working in the field of child protection in Central Asia. In our view, increasing attention to children's rights has given the contemporary child a dual status. Nowadays, a child in the global village has two different and conflicting statuses. The child is seen as an embryonic adult en-route to becoming a citizen and at the same time it is still a child (Lee, 1996). Some children end up in care because they are orphans and have no relatives, but usually institutional care involves taking a child away from the family. Taking a child away from his or her family is often a difficult decision. It is a balance between priorities. Should the overriding consideration be how the child is faring now, or should it be what will become of the child in the future? Normally when a decision is made to place a child in a closed institution it is the future of the child that is given priority, particularly when social work professionals consider the family not capable of bringing up the child themselves. However, this dual status of a contemporary child requires us to revisit the balance between security, i.e. protecting the child from harm, and autonomy. Every child needs both security and autonomy. Children should be free to plan their time and open up the space around themselves without threat to life or health from the external environment. Professionals are thus faced with the dilemma as to what is the greater risk: to remove children from the family or leave them with the family? Both can lead to violence.

In our analysis we have focused primarily on the resonance between the Soviet legacy and the very visible pressure from international bodies for the countries of the Global South to adopt the models and approaches of the Global North. This pressure has been criticised by many in the field of child protection and child rights. This criticism, however, comes more from radical academics than from social workers and other practitioners who find themselves working in a difficult position without new, more child-friendly tools and confronted with many foreign concepts and practices that are presented as desirable but may well be less applicable in their particular working environment. Furthermore, in the post-Soviet countries, an additional difficulty for practitioners that casts a shadow is the long period of time in the Soviet era when discussing the issue of violence against children was taboo. The official position was that such backwardness as violence was impossible in Soviet families, even more in the Soviet system of care for children. Until the late socialist period, professionals did not pay any attention, for example, to the issue of peer bullying in closed institutions¹. After the fall of the USSR, the issue of violence, especially in closed institutions,

¹ The exception was the research by the Soviet psychologists David Feldshtein and Mikhail Kondratjev who identified a direct relation between the high probability of bullying and placement in closed institution. The analysis of adolescents' relationships in correctional institutions and schools for gifted children disclosed very similar patterns of mobbing and bullying. However, most of these surveys, which drew attention to

began to surface as a hotly debated topic, one where the institutions were characterised as testaments to a dreadful Soviet past. These views were the background to public debates about institutions, in which they were compared with the concentration camps and punitive psychiatry, with the dark side of Soviet history (Altshuler, 2009; Petranovskaya, 2009).

The public debate generated by this led to proposals for reform. Systematic analysis shed light on the institutions and their procedures – especially the need for changes in legislation (Evans, 2009), but in our view changes in legislation are not enough. Sustainable transformation requires a comprehensive approach and an understanding of the interrelation between past approaches to interventions in children’s lives and professionals’ attitudes to children’s rights and needs now. The concentration on the politics of the institutionalisation of children has led to a failure to consider the practicalities of how practitioners should work. This remains a serious obstacle to the transformation of child protection towards a more consistent attempt to prevent violence – especially the violence committed by those who are responsible for a child’s welfare, that is, managers and staff of various services including residential care.

The International Conventions, especially those that concern children’s rights, have the potential to set and refine the approaches of professionals. Interpreting international norms in local contexts not only constitutes a meaningful approach to children’s rights but assists in deconstructing current issues within the political and practical environment of the children. So our approach to recognising violence in institutions and its prevention in Central Asian countries derives from international law and particularly from the Convention on the Rights of the Child. We reviewed current approaches to institutional violence in order to draw up a methodology to connect policy-making, legal reforms and assistance (both professional and quasi-professional) around children and their rights. The in-depth interviews with five local experts and three focus-groups (one in Kyrgyzstan and two in Kazakhstan) were the main strategic methods of gathering data as well as desk-research focussing on statistical reports, analysis of residential care under the authority of the Ombudsmen, and various publications within the projects targeted at monitoring closed institutions and preventing violence against children there.

In the first part, “Violence Against Children in Institutions: Reflections on Concepts”, we put forward institutional violence as a concept and criticise the existing approaches towards violence prevention. Our ideas exercise the historical view and understanding of prevention as a very recent trend of child protection. The main objective of this part is not only to redefine key concepts, and identify approaches that aggravate elaboration of preventive strategies, but generally to incorporate violence against children in institutions into the issue of structural violence. The second part,

issues such as peer abuse, only started in the late 1980s when the influence of Western psychology had significantly increased.

“Child Protection in Central Asia: Post-Soviet, Neo-colonial or Friendly to Children” aims to apply the approach developed in the first part to explore the peculiarities of violence in institutions and options for its prevention in the Central Asian countries. This part analyses the experts’ concerns about violence in terms of CRC and links how professionals in institutions think and act in order to recognise how they normalise violence. I shed light on the transformation of organisational approaches to child protection in Central Asia. In “Conclusions”, possible ways to apply this approach are viewed.

I am grateful to my colleagues who shared their experience and to the brave, considerate professionals and activists who open-heartedly and honestly approached my questions. I cannot imagine this text without the active participation of those who work in the not-so-simple contexts of Central Asian countries: Rahat Orozova, Gulchehra Rachmanova, Mavluda Kulikova, Svetlana Rachimova. My special thanks also to the regional office of PRI, Azamat Shambilov, Inkara Munkarova and Zhanna Nazarova for providing excellent opportunities for collecting data and organising the field research. I deeply appreciate the feedback of my patient colleagues who went through and commented on this text when I needed it most: Anna Novitskyaya, Irina Solomatina and Michael Rasell.

Violence Against Children in Institutions: Reflections on Concepts

Structural Violence

A consideration of recent and current attempts at deinstitutionalisation in Central Asian countries provides many opportunities for understanding the pressures of the environment in which professionals work. For example, many of those who work in closed institutions face the dilemma of reconciling the interests of the child with the interests of the institution. The budget of the orphanage, for example, will depend on the number of children living there and this can place pressure on staff to decide if residential care is the right answer for a particular child even though it might be preferable to place the child with a family. In many cases, such dilemmas are not resolved in accordance with the new practices that better implement children’s rights. In fact, to the frustration of practitioners, such dilemmas tend to block out sensitivity towards children’s rights and make professionals merely cogs in the administrative machinery of residential care. This may explain why researchers into structural violence suggest that inhuman treatment by professionals may stem from inappropriate methods of organising professional care. If violence at residential care units is an outcome of a structure that places institutionalisation above more effective solutions, the prevention of such violence calls for an approach to the operation of the institutions and in the work of the respective professionals that looks at the child welfare system as a whole. Several attempts have been made to develop such a comprehensive approach to preventing institutional violence. Sadly, they mainly remain mere political rhetoric with very limited capacity to lead to a specific action plan. In this situation, as many experts told us, the professionals in residential care absolve themselves of personal responsibility by hiding behind the argument: “You

know how the system operates, there are no other options than ... placing the child into a mental health clinic or correctional institution” (lawyer, Kazakhstan). Such a way of thinking not only justifies violence but also makes it seem legitimate.

Placing children in institutions where they are likely to encounter violence is also justified by the idea of meeting needs. “When children are placed in correctional institutions” as one expert said, “they start sleeping in clean beds, study at school, attend physicians...” (manager of project for juvenile justice, Kazakhstan). Justifying institutional placements which can lead to violence as the inevitable cost of meeting children’s needs is typical of underprivileged regions where parents are viewed as unable to provide for the basic needs of their children, and this is exactly the situation in Central Asian countries. Undoubtedly, the concept of meeting children’s needs seduces by its simplicity and ease, but in terms of compatibility with ideas such as developing social capital, increasing capacities, and other common notions, the idea of needs is of limited utility when it comes to working out a systematic alternative to violence, especially at the level of institutions.

Contextualisation

In every region violence exists in a particular historical context regarding family, childhood and parenthood. The prevalence of violence is not only determined by the differences between Western and non-Western cultures for example, but also by differences such as those between agricultural and cattle-rearing societies. In particular, the countries of Central Asia have differences between them for reasons of history and culture. These differences affect the reform strategies in place in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan.

It is reasonable to apply contextualisation not only to regional specifics but also to the international norms governing children’s rights. The international norms regarding children’s rights, violence and its prevention should be understood, at a minimum, in two contexts: first, in the context of regarding the norms as the cumulative outcome of the efforts of international bodies to develop a framework of children’s rights, and second, in the context of the local experience of applying international norms. Understanding that international norms are determined by the historical context from which they arose helps to ensure a critical approach to norms and standards, even to such powerful tools as international conventions. It is important to recognise how our ideas and standards regarding ‘good’ childhood have changed to the point where we can accept the changes whilst maintaining our capacity to be critical and to develop the ability to apply them, not as instruments of punishment against lazy states but rather as a thoughtful approach to a range of dilemmas which make us more sensitive and responsive to children’s feelings, views and needs. The experience of applying international norms to local contexts shapes the connections between different contexts and frames the holistic approach in understanding the actual situation in the region. Such a holistic approach is essential when it comes to understanding and solving conflicts between the main actors of child protection, e.g. professionals and parents or guardians. Such conflicts make it clear that different approaches towards upbringing and care can co-exist, and

international law on children's rights can be seen as the source of criteria in assessing which are the most suitable approaches. International law holds the position of 'referee' within debates about children's well-being and children's rights not because of its universal rightness but because it is 'soft law'² – equipping experts with tools with which to interpret local contexts. International law sheds light on dilemmas and conflicts embedded in policies and practices and leads to better implementation of children's rights. It also emphasises the role played by the local context when searching for appropriate solutions to these conflicts. International law is universal in the sense that the balance of interests, powers and mutually conflictual values that it requires is able to be achieved in different contexts. It is therefore useful to know more about how the stakeholders in different regions apply international law in their particular circumstances. Being historically determined, first of all by the history of the Global North, international law calls on those who are going to apply it to know more about the background of international law as well as their own contexts.

How to Approach Reform

Developing approaches to preventing violence should be done in conjunction with concerned professionals, activists, children and parents. A participatory open approach makes it clear that we do not blame professionals for committing institutional violence. Rather, we try to understand the driving forces of violence and develop strategies for changing organisational approaches alongside those from whom we expect the changes. Practitioners at risk of inflicting violence are entitled to question the impact of the policies of the child protection system on their own actions. Does policy provide them with the option of applying more child-friendly approaches? And if not, what makes politics insensitive to children's rights? In Central Asia, two interrelated trends of national politics make the issue of children's rights less amenable to strategic planning. Like reforms in other realms, the transformation of child protection in Central Asia is not possible under present policies because the priorities as well as the key actors change with dramatically high frequency. Independent experts stress that the frequency of power fluctuations in this region because of unstable governments hinders or even blocks the options for long-term reforms because the actors are unable to cope with the combination of potential driving forces and the limitations of current plans.

In addition, concerns about children is extremely politicised because of the idea shared by many stakeholders that children are in a sense 'public goods.' As in other post-Soviet countries, in the public policy of Kazakhstan and Kyrgyzstan moral campaigns about children advance not

² Soft law in contrast to more traditional hard law does not require immediate implementation; soft law does not establish a system of punishment. Soft law provides the basis for revising practices and policies through revising the values and standards. Soft law helps to clarify the internal conflicts of norms.

children's rights but other political interests (Schmidt and Shchurko, 2014). Various publications expose violence against children in different closed institutions but mostly as journalistic investigation work to support further political struggle. Some campaigns directly attack international initiatives especially those that aim to promote arguments in favour of a ban on corporal punishment. These campaigns are run by political actors who rely on those who share their conservative attitudes in various countries including Central Asia.

Given that the obstacles are daunting and multiple, and the methods of planning reforms suitable for the Western world are less effective in a different context, experts highlight the necessity to focus on a combination of different research strategies and put emphasis on mixing approaches to reform (Kane and Gorbenko, 2015; Luong, 2000). For instance, for explaining the political processes, the two main research strategies focussing on interest groups and rational choice³ are combined. Such a combination allows an understanding of the similarities and differences in the countries of Central Asia, in order to clarify the options and limits on transferring the good practice of one country to another. This frame shapes the current projects aimed at improving child well-being: advocacy remains the main political tool for advancing reform and the main arguments are economic – residential care is seen as too costly. One of the main vehicles for disseminating good practice on children's rights is the strategy of implementing a pilot project developed in Kazakhstan and then trying to transfer the idea to other Central Asian countries, particularly Tajikistan and Kyrgyzstan. However, the obvious differences in the political order in these countries as well as in their social and economic environment require the approach to be more responsive to the specifics of the countries, while retaining the shared vision on violence and its prevention. Such a vision should oppose violence, and is especially important for those who should come to an understanding of how their power can lead either to violence or to its prevention.

We also need to address alternatives to violence. If we define violence as stemming from the powerlessness of the victims, then prevention of violence should be reconstructed as an array of practices that ensures a more even balance of power between the main actors: the children, their parents and professionals. Undoubtedly, the role of children depends on their ability to shape and express their opinion. One camp of experts emphasises (Efevbera et al., 2016; Eriksson et al., 2005) the special role of parents and family autonomy in providing options for the child's participation. They consider that parents' autonomy ensures the child's ability to express her/his opinion. This point is especially meaningful when there is conflict of interests between parents, professionals and children. Other experts pay attention to child subcultures as a significant prerequisite (Stephens, 1995; Parkes, 2007) for understanding contemporary children. In any case, the task of developing educational practices responsive to children's experiences, feelings, and behaviour as well as the

³ Rational choice is an explanatory model stressing the special role of choice in favour of maximising the utility: of institutions, actors and policies.

prevention of risks of objectifying children remains to be completed. The alternative to violence should be formulated using powerful concepts such as empowerment, justice and Human Rights.

Adults' Power to Control Children

Researches on violence against children indicate the ambiguity of adults' power over children as a key trigger of corporal punishment, psychological abuse or the chronic failure to meet children's needs. On the one hand, adults tend to see children as their property: "It is my child – I do with her/him what I consider right", "The children are part of our education system". On the other, public expectations from those who exert power over children focus specifically on the efficient control of children's behaviour. According to public expectations, good educators in correctional institutions should treat children with a 'short, sharp, shock', it is said. Reliable parents know how to prevent a child's bad behaviour. The efficient performance of the task of keeping children under control remains the basis of legitimising the power of those who are responsible for children. Obedience on the part of the child remains the most desirable behavioural profile for parents as well as for the public – whose influence on parents and child caregivers is huge. Many of the experts agree that the combination of the attitude to the child as property and the priority of control incline those who are responsible for children to violate their rights. Remarkably, the most successful campaigns against violence have focused on this issue and provided parents with the capacity to cope with the stress of obligations towards the public without using violence towards their children. For example, a recent Polish project "Dobry rodzic" (*Kind parent*) provides a way of giving parents the ability to deal with their frustration and anxiety in dealing with their children. This project sees parental violence as a direct consequence of the limited ability of parents to cope with the requirements of child-rearing, not as a deliberately violent act. Thus, learning how to embed control into an open trustful relationship is a main vehicle for preventing violence.

The ability to control a child operates as a deciding factor when those who care for a child, parents, practitioners and communities, are being assessed. Ideas about control over children change over time, as well as explanations of an inability to manage the child's behaviour. Experienced professionals assert they rather than parents are better equipped to implement the control function. Having better knowledge about child behaviour and development is put forward as a central argument favouring the professionals. Professional knowledge operates in favour of identifying 'special' groups of children who are especially difficult to manage for various reasons. In many countries, the increase in removing children from families during puberty is justified by the inability of the family to manage the child. Adolescents under the kinship care of their grandparents tend to be placed in closed institutions because of professionals' apprehension that the grandparent(s) would be unable to cope with the child when the child got older and the situation became harder to handle. Children with disability are seen as those who not only need a high standard of professional care but also control because of the limited abilities of the children and their families to manage behaviour, especially where there is mental disability. Children with behavioural issues are also viewed as target groups of professional control. The idea of control of

special groups is easily transformed into systematic surveillance of families and children whilst the idea of autonomy remains on the margin of professional and public attention.

Undoubtedly, monitoring and control play an important role in the upbringing of children. However, control over children operates efficiently if educators link it with other aspects of upbringing: development, care and support. Guidance for parents aims to teach them how to embed control into a wider range of educational tasks and to make control responsive to the child's motives and feelings. The skill (or for some – the art) of providing control in a manner appropriate to the child's personality makes educators into respected figures and prevents violence, because the child is ready to admit the right of the adult to control him or her. To cite an example, a mother could not persuade her 8-year old daughter in remission from leukaemia to take medicine – the girl was scared of getting fat. The only way to avoid forced treatment was to speak to her about the worries and various optional scenarios in the case of taking or refusing medication. It helped the girl to recognise the meaning of control and accepting it. Often, violence becomes very likely when the upbringing is led by control, and all tools designated for efficient control can become acceptable in the case of children who are seen as abnormal, having special needs, tending to delinquent behaviour or growing up in vulnerable circumstances.

Consequences of Violence

Focussing on deprivation stresses the aftermath of violence, outcomes such as developmental retardation, various behavioural disorders, inability to develop healthy relationship because of post-traumatic syndrome; the list of such consequences is regularly changed following the publication of different surveys evaluating the costs of violence. Damage from violence leads to diverse limitations of human capital and the solution is seen as a strategy to reinforce human capital in those who lost it. Thus, those who experienced violence (as well as their families) are advised to work off their negative experience and invest a lot of effort in compensating for the damage done to them by exposure to violence. Following such a way of thinking, the solution for those who experienced violence is to focus on their future and free themselves from the effects of the experiences they have lived through.

De-institutionalisation

To understand the complexity of current approaches to children in institutions it is necessary to return to the time of the disclosure of the awful conditions in post-socialist residential care for children. From the second half of 1990s, media campaigns in favour of family placement constructed the image of orphanages, boarding schools and correctional institutions as a backward survival of the Soviet times inherently bound to the various practices of repression such as purges or punitive psychiatry. These media campaigns spearheaded the first attempts to deinstitutionalise care for children in the post-Soviet countries and Central Eastern Europe as well. At the end of the 1990s, an American journalist, Kate Brooks, secretly filmed the living conditions of children at a

Moscow orphanage. The testimonies of inhuman treatment attracted the attention of Human Rights Watch experts who prepared the first report about closed institutions in Russia. In other countries, various Human Rights bodies also monitored closed institutions and published reports evidencing inhuman treatment. However, despite many attempts to replace residential care with substitute families, systematic deinstitutionalisation remained an unachievable goal. The breakneck reduction in the number of institutions and children led to a cessation of the programme as quickly as it began.

Kazakhstan was the only Central Asian country that tried to implement a scenario of immediate deinstitutionalisation. In 2003-2004, the number of residential care units for children with multiple disorders fell as the number of children admitted dropped two-fold (from 36 to 18 care units and 5950 to 2988 children) (Ministry of Education, 2009). This was achieved mainly by reunifying children with their biological families. However, in the following year the number of institutions increased proportionately to the rise in the number of children. Ten more centres were reopened to accommodate a total of 5379 children. Another attempt to reduce the number of residential care units was undertaken a year later; but despite all attempts, since 2010 the number of closed institutions for children with disabilities has increased. After losing the battle against residential care, Kazakhstan slowed the tempo of reforms and foster care as well as new forms of residential care evolved within longer-term pilot projects.

This failure in Kazakhstan is not exceptional. Attempts to advance deinstitutionalisation as the inevitable immediate measure to protect against inhuman treatment in closed institutions have not achieved sustainable outcomes. The reasons for this failure lie not only in the numerous gaps in the different stages of action on child protection which make reform so difficult but more particularly in the message of such de-institutionalisation campaigns which were based on arousing a feeling of guilt because of the unbearable life of children in orphanages and presenting family placement as an act of rescuing them. Describing residential care as a source of evil inevitably leads to producing stereotypes about those who have experienced this awful system – the children. The ‘sinister shadow’ of having been placed in an institution accompanies the children and their experience remains immune to reflection because strong stereotypes replace individual contexts. For example, a very popular argument in favour of deinstitutionalisation was based on information about the number of the children from institutions who committed suicide, were sent to prison, or abandoned their own children. Such pseudo-statistical data generated negative generalisations. When violence is seen as a kind of inhuman treatment, the clichés focus on the perpetrator rather than the child, on either irresponsible parents or arbitrary professionals. But stigmatising the adults involved also ‘contaminates’ attitudes towards the children under their care. Putting such a negative label on the image of residential care further exacerbates the already desperate situation of a child in such care. Instead of a consistent exploration of the procedures and ideas that lead to violence in the institution, the focus on the scale of inhuman treatment produces melodramatic clichés. The orphanage and its staff play the role of villain. The substitute or foster family is seen as the rescuer or even as a wizard with magic power to help the child, and the child is the most visible but

unheard character, the victim with whom all spectators sympathise. The child is seen as a source of evidence against the villains, but is not an active witness who would be asked to give such evidence. The child is alienated from personal consideration in the cause of a campaign against institutions. Leading the arguments against residential care on the basis of the inhuman treatment that takes place there blocks the opportunity to recognise the strategies adopted by the affected children in order to cope with oppression, as well as the attempts many children make to emancipate themselves from the pressure of tough scheduling of their lives by immersing themselves in the specific subculture developed by children in institutions. Demonising the institutions does not help the child.

Nor does it help the practitioners. The effect on those who work in the institutions and who practise the concept of inhuman treatment is to keep them in their narrow understanding of the child's experience of being in an institution. The specific forms of neglect and violence are not brought into the open, for instance, the daily disciplinary practices which humiliate children⁴, or the resistance to placing a child into a family if the child is successful at participating in performances and competitions which bring credit to the institution⁵.

Inflicting psychological pain on the child can be an outcome of the professional reaction to a child being ill-treated. Thus an action designed to protect a child may extend the child's experience of violence. When there is a choice, either to reinforce the human capital of the victims and potential perpetrators or punish, not only the perpetrator but also the child, punishment is the course taken. One extreme example is the widespread practice of placing sexually abused children into special boarding schools, a typical response in Central Asian countries. Experts emphasise here the influence of shame and the desperation of parents under considerable community pressure. Running parallel to this notion is the experts' consideration of the useless role of local professionals who are persuaded by the belief that it is "meaningless to help such children whose mentality cannot be changed" (psychologist, Kirgizia). Undoubtedly, one of the potential risks of developing preventive strategies remains the mutation of Western theories promoting approaches that justify institutional violence. While post-colonial studies stress the neglect of local knowledge, local professionals often adopt Western ideas very partially – only those arguments that allow them to keep previous ideological platforms and serve to reinforce them further are welcomed.

⁴ The daily humiliation in institutions often relies on an informal agreement between the staff and informal leaders from amongst the children.

⁵ Volunteers working at closed institutions over a long period of time report that the staff try to block any option of family placement for those children who successfully participate in local and regional competitions of different sorts.

So far the responses have been inadequate. At the micro level, training of the children and those responsible for them has been seen as a way to improve skills and competence. At the macro level, only one strategy (total deinstitutionalisation) has been developed; but even the arguments in favour of deinstitutionalisation do not recognise children's participation. Will the training of educators improve the living conditions of children if the procedures for placing them into mental health clinics remain non-transparent? And will the therapy for children who have experienced violence be effective unless the public and professionals realise that all such children go through post-traumatic syndrome and remain seriously damaged?

An Alternative Approach

The resilience of those who have experienced violence is based on restoring dignity and a sense of self-worth, on gaining the ability to recognise their own experience as well as being a witness. Focussing on the deprivation and inhuman treatment the child has experienced blocks these key streams of working with the experience of violence. Objectification of the child extends to her/his life environment: the family and the community. According to the professionals the family and the community are seen as incapable of helping the child and lose their right to make decisions. The special knowledge held by professionals plays a key role, while the experiences of a child, the family and the community are mere sources of evidence. In contrast to the well-developed critique against objectification in gender studies (Herman, 2005), childhood studies are at the very beginning of a systematic redefinition of objectifying practices. Experts have stressed on the demanding nature of such an approach – because many child protection practitioners still face difficulties in recognising in their daily practices factors such as humiliating children and taking away their dignity, and the main argument in their defence remains “in the best interests of the child and his/her future”.

So what are the alternatives to the approaches that inevitably objectify children? It is easy to welcome the notion of justice contained in various attempts at promoting an equal partnership with the child, seen as a subject in communication. Two interrelated requirements can ensure such a relationship is developed: giving the child the opportunity to express his/her opinion and the capacity to understand his/her own experience. The first requirement is well-known and well-established as international law and national regulations currently pay a lot of attention to the child's right to be heard. Special technologies are in place guaranteeing that the child shall be heard. However, the second pillar of justice, the diverse options of self-recognition and the chance to make an interpretation of his/her life, remains on the margins of professional attention. Even the right to be heard is diminished if children are restrained in their ability to reflect their motives, beliefs and behaviour. Encouraging a child's self-recognition can be seen as a possible framework for preventing violence, both in the private and public realms. Experiencing such communication allows children to learn to evaluate their abilities in coping and seeking help. And those who directly work with children in institutions, volunteers, activists, NGOs and leaders, should have the capability to develop a relationship that will facilitate the child's self-recognition.

Stemming from the idea of partnership, they should empower children and be sensitive to the risks of objectifying children. The procedures either cement objectification or ensure empowerment. But the current attitude to children is a result of particular practices and policies, and the shift from objectification to empowerment requires systematic changes in institutional approaches to child protection.

Child Protection in Central Asia: Post-Soviet, Neocolonial or Friendly to Children?

How do Local Experts Apply International Norms? An Approach to The Situation

How do local experts apply the international norms when they are analysing the local situation of institutional violence against children? It is noticeable that mainly they connect violence in institutions with the failure to meet children's needs. The experts mentioned various gaps in the practices aimed at providing for different needs from the very vital, such as food, to the basic right to education or health care. The main issue remains neglect by staff and their lack of attention to children's needs. The Kyrgyzian experts revealed that during their visits to orphanages the children told them: "It is so good that you have arrived – we have eaten real meat dumplings" (the expert from the branch of international Human Rights organisation). Cases of stealing food and other things by children remain typical. There are also situations where the staff create obstacles to meeting needs which means that the children do not have regular access to hygienic necessities, the opportunity to wash themselves every day and change their bedding. The access to such facilities as the playground, sports centre or play room was limited in some centres even when all these facilities were renovated, or perhaps because they had been renovated: "the staff was scared that the children would destroy it" (manager of Human Rights organisation, Kazakhstan).

According to the experts, one of the main causes of neglect of children's needs is the administrative machinery, and the interdepartmental mismatch, especially between the departments responsible for social welfare and health care. Despite the obvious need for medicines in liquid form, the infant care homes continued to get tablet medicines. This created difficulties and required the staff to force the children to accept tablets. The mismatch in Kyrgyzstan between the Ministry of Health and the Ministry of Social Welfare directly influences this situation: infant care homes belong to one Ministry, but the standards for purchasing medicines are established by another department. Such practices, according to the opinion of experts, lead to systematic practices of neglect and, as a result, institutional violence.

The experts also report on cases of a direct threat posed by the institutions and their staff to children. Mainly they noted that in some private or faith-based institutions there were cases of sexual abuse and corporal punishment. According to the experts, inhuman treatment remains widespread in institutions for children with disabilities, especially those who have multiple

developmental disorders. Such children are placed in separate boxes and even their basic needs are neglected. In some cases, the experts registered intentional neglect such as opening windows, limiting nutrition, etc. Surprisingly, the only reason for this treatment was the inability of these children “to develop normally”. Some experts tended to pathologise such behaviour: “The staff does not have any mercy” (psychologist, Kirgizia), but others highlighted the presence of a belief that could lead down a path towards an approach compatible with the basic ideas of eugenics: “They (staff of institutions) think that they KNOW what is better and who deserves to be fed and cared for” (social worker, Kirgizia). These experts recognise the echo of Soviet ideology in such an extreme utilitarian view about the children which resonates with the idea of natural selection: “They (orphanage staff) often state that these children are still alive because of the progress of medicine, and in natural conditions they would never be born...” (social worker, Kirgizia) Any attempt to mention the more humanistic approach which comes from abroad only deepens this argument: “they say: In the West they just waste money and time – we have other priorities”. Even though the experts recognised the inappropriateness of such arguments, they admitted that they could not oppose them: “We do not know what to say because we know that the staff are short of money and time...” (psychologist, Kirgizia). It is reasonable to assume that the experts have already emancipated themselves from these utilitarian views on disabled children, but are still in the process of finding a convincing alternative to this widely held view.

The experts noted that the participation of the child is indispensable for disclosing institutional violence but not always. They stressed that even though such participation is certainly desirable, it should be the final stage of the long-term reforms towards participation: “Theoretically, we know that we should listen to children, but also we know that the child’s opinion would not influence the situation now” (manager, Human Rights organisation, Uzbekistan). Answering the question “What should be changed to produce a more responsive approach to children?”, the experts highlighted the experience of juvenile justice projects with mediation and negotiation, but for other target groups of children at risk of institutional violence such procedures remain unavailable.

Obviously, the experts have direct personal knowledge of the problems and they try to apply international norms in their thinking so their attitude is significantly different from public opinion as well as from the position of those who work in the closed institutions. Those in the forefront of reforms run into problems with formulating a coherent concept of institutional violence and the way it can be prevented. They support international norms but are unable to apply them because they find it hard to propose appropriate organisational approaches. And one of the initial steps towards overcoming this obstacle is to reconstruct the specific contexts which framed the formation of child protection in this region in order to establish the limits and options for applying international norms.

It is important to take into account that in the Central Asian region, as in many other countries, the development of child protection is significantly different from the very ordered history of child protection in the Global North. There was no such degree of continuity between the stages; many

procedures which developed in the Western countries one after another, in the Central Asian region appeared to remain the same over a period of time (Schmidt, 2014). Such intensified scenarios are determined by colonisation, sovietisation and currently, internationalisation of child protection in this region. It is reasonable to say that the composition of ideas and actors involved in child protection formation were, and still remain, extremely ‘alien’ to the local communities and cultures. This obvious rupture between the external standards and internal contexts inclines one to ask two interrelated questions: “What happens with the ‘foreign’ procedures and ideas within such contexts; do they either mutate or influence the local approaches?” and “What are the main trajectories of changes in the local approaches?” And what is a prominent scenario for countries in Central Asian post-socialist states? Is it possible for them to derive the best from ‘alien’ experience and take into account the worst, bringing into action the scenario of the winner who comes late⁶? Answering this question consists of two interrelated tasks: learn to recognise how those who commit violence think, and what procedures make institutional violence possible. It is important to emphasise that the answer to these questions should be related to the contexts of Central Asian region.

The Violation of Children’s’ Rights in Institutions: The Violence of Knowledge and Arbitrariness of Procedures

If institutional violence stems from the abuse of power over children and objectifying them, it is important to recognise the specifics of the attitudes which lead the professionals to justify violence. We need to analyse the arguments which are applied by those who work at the institutions to justify the violence which they commit. Often, violence committed by parents is seen as a spontaneous response, a dark side of parental love: “our people say even while punishing the child, the parents do it with love” (manager of Human Rights Organization, Uzbekistan). Instead of using parental love as a main argument in favour of violence in the home, there are those who justify the violence in institutions using professional knowledge: “they (helping specialists in closed institutions) say that they are able to understand these children because they have obtained special skills without which it is impossible to understand the child” (juvenile judge, Kazakhstan). Having expert knowledge seems to be a very common ground for approving enforced intervention in general and violence in particular, but according to the experts, one more argument orchestrates institutional violence: that the child placed in an institution belongs to nobody, and only professionals are interested in this child. This argument conforms fully to the common approach to children as the property of adults. In Central Asian countries, such arguments are supplemented by the idea that in

⁶ The concept of the *winner who comes late* was introduced by Alexander Gerschenkron, famous economist, for describing the outstanding speed of economic development of the countries which adopted the experience of others including better understanding of stalemates and mistakes. Being able to avoid such deadlock trajectories, late coming winners achieve success in a much shorter period of time.

the contemporary world ‘these countries are presented as the last mainstay of traditional values like undisputable respect of older people by youth’ (lawyer, Tajikistan). This devotion to patriarchal traditions resonates with the Soviet legacy to look on residential care institutions as the second family or second home⁷- but this can be seen as a factor significantly limiting the child’s ability to emancipate him or herself from this pressure to accept anything from their ‘second’ parents.

Why is it important to recognise the arguments in favour of legitimising institutional violence? Does it help to elaborate the strategies for its prevention? The attempts to ban corporal punishment suggest that it is not enough to claim that violence in the home is illegal and criminalise it. The task of minimising and preventing institutional violence is not easy, but it is even more complicated than preventing the use of corporal punishment in parenting. Expert knowledge comes to the aid of professionals who commit violence. The critical revision of such knowledge reveals two reasons why it is so difficult to change. On the one hand, this knowledge stems from common sense and remains in tune with the public stereotypes (Duniec and Raz, 2013). On the other hand, the theorisation makes this knowledge credible because people like to use professional, even pseudo-professional knowledge, to justify their beliefs and attitudes.

One can explore attitudes which justify institutional violence in terms of the violence of knowledge, the concept introduced by Edward Said (1978) and Gazatri Spivak (2003), which describes the various ways of applying knowledge to approve violence. There are three inter-related types of violence of knowledge:

1. *essentialisation* – linking a neutral trait such as gender, age or ethnic origin with particular problematic behaviour the ideas produce the essentialist stereotype: “the development of the child with a disability is so specific that the child needs permanent control”;
2. *epistemic violence or epistemic injustice* – blocking the options for producing one’s own knowledge about problems in favour of a professional view: “children are great liars, everybody knows it, we do not need to ask them to confirm that”;
3. *violence of apprehension* – when not current but potential threats support enforced intervention in favour of a better future: “if we do not place the child into boarding school it would be too late to develop learning skills”, “this boy is potentially dangerous, and aggressive; it would be better to hold him in special school”.

⁷ In many orphanages there are slogans like ‘The orphanage is our home’ or ‘We are family’, and the very common practice for children is to call the women who work there ‘mothers’.

Violence of knowledge directly influences the arbitrariness of professionals. Obtaining the right to make decisions, the specialists justify the abuse of power by violence of knowledge: producing essentialist stereotypes, giving children and their families limited options for responding to their needs, and planning the future of children without any reference to their opinion. Generally, violence of knowledge always supports objectifying those whom it captures. In contrast to following public opinion or local cultures, the professionals apply theorised knowledge in order to build a comprehensive explanation in favour of their intervention. Focussing on explanations, objectifying freezes any option of recognising the issue beyond the behaviour and development of the child.

Those who work in closed institutions like saying that only they understand the child and producing a plausible justification for their view. Often their interpretation remains the only one possible – because the formation of social knowledge in post-socialist countries did not encourage a variety of approaches. Neither open academic debates nor conflicting views from the experts are sustainable practices for professional communities. In fact, it is difficult to find counterparts to the professionals who practice violence of knowledge. Answering the question “How do professionals justify placement into institutions, enforced removal from families and termination of parental rights?”, the experts noted the violence of knowledge in diverse arguments provided by the staff of institutions and local authorities.

Essentialism

When explaining the placement of the child into a closed institution because of either developmental problems or the chronic inability of families to care, the specialists produce *essentialist clichés*. Experts from different countries mentioned one of the very common reasons why they do not permit a child to go home for the weekend: “They are scared that the children would come back dirty and lice-ridden” (social worker, Kirgizia). Opposing the cleanness of the institutions to the dirt at home is not only a regularly-used but also a sufficient argument for separating children from families. The experts stressed that ‘the inability of parents resonates with the over-diagnosed approach to children’ (lawyer, Tajikistan).

Unfortunately, we can recognise such essentialist opposition not only in the arguments for placing the child into institutions but in the rhetoric of campaigns which advocate de-institutionalisation. The opposition of family and institution remains, but the value is changed: not ‘bad family vs. good institution’, but ‘good family vs. bad institution’ enters into the public debate. Many campaigns bring to the fore arguments which seem to be simple to understand and to share: ‘In the majority of family placements, “hopeless diagnoses” become irrelevant and children improve ... ‘hysterics, aggression, and depression disappear’ or ‘It is enough to give a chance to the child to be placed into the family’ (Petranovskaya, 2009). In their simplicity and objective to gain public acceptance, the arguments for deinstitutionalisation keep the utilitarian view of the family as uniquely the most suitable environment in which to rear children and thus they continue to objectify children.

Looking at families as a magic tool for rescuing children ignores the core value of parent-child relationship, the options to have autonomy, privacy and create emotional bonds. Keeping families and institutions in opposition to each other forces parents to accept the obviously increased need for professional assistance and aggravates their frustration at the increasing demand for ‘good, appropriate parenting’. The argument in favour of the family does not work for those professionals who consider families as more dangerous places than well-organised institutions.

Both extremes of such an essentialist approach to the family and to residential care stem from the preference for accepting a universal solution which was typical of the Soviet way of solving social issues even though in practice universal solutions did not work during the Soviet period. The Soviet authorities eventually admitted this fact and started trying to develop specific services for special children. One of the last attempts to reform child protection in the first half of the 1980s aimed to introduce a large-scale reorganisation so as to better provide for children’s needs. Psychologists and social educators were introduced onto the staff in order to ensure an individual approach – mostly based upon essentialist knowledge. Universalism and essentialism can be viewed as two sides of the same coin, of utilitarian child protection which ignores the child friendly approach.

The widespread practice of labelling children and their families can be overcome only if the organisational machinery of child protection is changed, and an approach more responsive to children’s beliefs and feelings directly motivates professionals to stop reproducing essentialist clichés. Understanding that there is no one perfect ideal form of placement and each of them has its own weaknesses encourages a diversity of placements. Foster care, kinship care, various forms of adoption as well as small size residential care should operate as a range of options for making the decision in the best interests of the child.

In addition, a diversity of placements should not be organised according to the division of children into target groups: e.g. the special school of one type for children with that type of disability, and the other boarding school for another. Such division often creates a staircase of institutions for children leading to fewer and fewer options for reunification with birth family or family placement. In fact, the contemporary range of placements in the Central Asian countries can be compared with such a ‘down’ staircase. The worst outcome of this process was described by experts: “Firstly, the child is placed into an orphanage, then can be moved to the boarding school for children with mental development problems, and finally, to the centre for children with multiple disorder of development – no way back” (lawyer, Kirgizia). This comment inclines us to define the current operation of child protection as an array of pathways inevitably leading children to placements in institutions because of the consistent labelling of them from the moment of putting them onto a special register where they are monitored to making the final decision about placement into institutions. There are several pathways for children with mental disability, behavioural issues or those whose parents go away to find jobs. Such pseudo-diversity directly blocks the sustainable development of preventive strategies.

In Central Asian countries, the official definition of prevention introduces target groups and directly establishes the pathways towards placement in institutions. The task of prevention is focussed on those children and families who give indications that they are at risk. According to the expert from Uzbekistan, officially there are the following grounds for preventive measures:

- direct request of child or her/his official guardian for helping financially and professionally;
- a sentence or decision by court;
- a resolution of the Board of Minors' Affairs, police investigators, prosecution office or the head of the local police office and Department of internal affairs;
- documents for placing the child into institutions aimed at monitoring the conflicts with law and child neglect;
- a report from the head of local authority or other institution obliged to monitor and prevent children's neglect and lawlessness following a request, complaint or other type of credible information.

In fact, these kind of actions aim not to prevent but constitute the initial steps of crisis intervention. Registering the children because of their belonging to 'risk groups' inevitably stigmatises them long before the placement into a closed institution. The experts mentioned that various lists of children and families at risk do not work in favour of timely intervention because the professionals define those who have been registered as 'being in a hopeless situation'. The stigmatisation reaches its highest level during the assessment procedures in the stage of crisis intervention because many of those focus on the problems and the evidence for them, not on strengths and opportunities. By the time of decision making about the placement, the child is overwhelmed by stereotypes, and the experience of being in closed institutions further adds to the stigma. It is remarkable that professionals actually consider the stigma produced by them useful – in order 'to recognise the degree of sociability of children'. The activists from Kazakhstan described their attempts to persuade the principals of the schools at the correctional institutions for minors in conflict with law that it would be good not to mention that the young people graduated from the special school. Despite the efforts of activists, the principals considered 'that in order to prevent further risks they have to inform potential employers and others that this young person was placed into special school'.

The essentialism accompanies each of the stages of intervention with child and families, and at the very end, in the stage of placement into an institution, the child is already marked as incapable, dangerous and limited. In terms of professionals' approaches, the pathway leading to violence in closed institutions starts long before the placement of child into them. And systematic prevention should be relevant to this multistage pathway of violence. Nevertheless, such attempts often fail because they miss out practices aimed at providing the child's right to be heard.

Epistemic (in)Justice

International law highlights the right to be heard as the grounds for the child's participation in what is indispensable for preventing violence against children (Hart, 1997). The right to provide testimony operates in favour of the child's autonomy because it encourages children to understand and express themselves. Thoughtful and consistent listening to children, as well as empowering them to recognise themselves, prevents epistemic violence blocking the child's right to be heard and producing knowledge about the child's own experience. A common lack of trust of children and the extremely low credibility of children who have experienced something beyond the concept of normal childhood (e.g. violence or trauma) are typical of many societies. In combination with the mistrust of the parents of these children, such injustice produces epistemic violence.

Epistemic violence accompanies the placement of children whose parents leave them in search of jobs. In Kyrgyzstan and Tajikistan, the migration of parents remains one of the key factors leading children to institutions. Since the middle of 1990s, the share of women who had moved from rural areas to cities and from native cities to abroad (mostly to Russia), has been increasing and according to different experts varies from 30 to 50 per cent of women of working age (Malyuchenko, 2015). There are no special procedures for assisting the families and children to provide a favourable solution in terms of a chance for further reunification of parents and children. The very hostile attitude to these parents, especially mothers, provides reasons for a placement in residential care – the local child protection authorities blame women 'whose priority is not the child', and do not provide any opportunities to ask the parents and the child about the options of kinship care or community assistance. The experts stressed that child protection officers as well as the staff of residential care units often insult the mothers and then transfer these negative attitudes to the child: "They would say that for her, a new coat is more important than her child, and they tell that to the child also" (case manager, SOS Kinderdorf, Kirgizia)

The other consistent example of epistemic violence is the way children who have experienced sexual abuse are treated. All countries from the region under study practice extreme isolation of these children. The victims of sexual violence have no opportunity to share their experience and understand what happened. Instead of systematic therapy and resilience, they have to adjust to new conditions of residential care separated from the community and family. It is easy to recognise a particular array of attitudes about the victimhood of children who are potential victims as well as the idea that it is mostly children from poor asocial families who are abused. Juxtaposing victimhood and poverty substantiates the idea that these children are unable to understand their experience because of mental development issues and other shortcomings. The conviction that those who experienced sexual abuse cannot recover only aggravates this objectifying view about the children.

It is reasonable to say that epistemic injustice tends to increase as the intensity of intervention increases. Children who are placed in institutions have less chance of expressing their views and

practising their right to participate. Epistemic injustice leads to missing out on the experience of children and their families, including their strategies to cope with the oppressions in residential care settings. Those who experience residential care work out strategies to survive. Understanding the variety of such strategies directly helps to develop projects aimed at assisting children to solve their problems after placing them into families or leaving the institution. Recognising the child's experience depends on the ability of those who listen to children to work with their own essentialist clichés. Overcoming essentialist attitudes and achieving epistemic justice directly work in favour of preventing the violence of apprehension - when the professionals justify their arbitrary actions by the intention to prevent the risks and provide better chances for the child's better future.

Violence of Apprehension: Backlash to The Future

Experts in many countries recognise the violence of apprehension in the strategies of child protection officers aimed at preventing the risk of developmental retardation or delinquent behaviour. Placement in a special school is justified by the fear that incapable parents cannot teach the child; a placement into a centre for children with multiple developmental disorder is justified by the fear that the child's health condition will deteriorate in the near future. Focussing on the future and the mission to prevent the risks of growing up, the violence of apprehension totally ignores the needs of child in the here and now (Guhin and Wyrzten, 2013).

Alongside the failure to understand the child's needs, the violence of apprehension blocks the ability of children to express their own wishes and ideas – due to their low credibility as the experts on their own future and the deprivation of their present. Those who practice the violence of apprehension actively apply the outputs of various surveys aimed at indicating the prerequisites for development. Academics are careful in their conclusions; but many practitioners adopt this literature in a more direct manner: ascribing to the very nuanced conclusions the status of universal determinants. While in the Global North the critique of such practices becomes 'bon ton' for retraining programmes and debates, in the post-Soviet space such critical revisions are very rare. For instance, even now the assessment of children with mental disability is based upon guidance by Susanna Rubinshtein, who was one of the leaders of the Soviet model of special education and who developed an extremely stigmatising approach to children with mental disability. In her most popular manual, Susanna Rubinshtein wrote: 'The psyche of a mentally retarded ['oligophrenic'] child is completely different to that of a normal child ... immature higher intellectual processes in combination with extremely rigid behaviour create ... a distinctive type of mental development' (Rubinshtein, 1986). This approach holds its own, and books by Susanna Rubinshtein are still studied by students. We need to accept that the perspective established in earlier years and not redefined directly influences the way foreign approaches and theories are adopted. Experts stressed the fact that during retraining with the elements of foreign methods of working with children and families, the practitioners tended to incorporate in their practice those methods which did not challenge their traditional strategies.

If epistemic injustice limits the options of children to work with their own experience, violence of apprehension blocks the availability of capabilities formed by experience. The critical response to this obviously arbitrary practice stems from two interrelated points. The first criticises prioritising the future as a direct threat to meeting a child's needs and respecting a child's feelings here and now. The other point highlights the obvious changes the child will expect to experience in a rapidly changing future. Nowadays, success depends not only on discipline and obedience but on flexibility and ability to resist the pressure of consumerism. And even well-organised residential care settings are short of options to provide such competencies for contemporary children. It may well be time for academics and activists to revise their arguments in favour of deinstitutionalisation and make them more responsive to the needs, experience and thoughts of contemporary children. Sustainable changes in child protection methods towards prevention of violence require the redefinition of approaches and the readiness of professionals to reflect the violence of knowledge. Also, new approaches should be practiced – and the readiness to accept such new ways to implement knowledge directly depends on the opportunities there are to apply relevant practices. Whilst the decision making procedures remain non-transparent and unchallengeable, those who assess children will not be motivated to apply non-violent, child-friendly approaches. But the opposite is also relevant: the new procedures will be useless if the professionals are alienated from the new alternative approaches. The next section explores the issues of procedures and practices – on the level of daily operation of child protection.

Child Protection in Central Asia: Vicissitudes of Institutional Reforms

Exploring the institutions and procedures for child protection in the Western world provides very coherent ideas about the evolution of the system towards ensuring the child's welfare. Each new layer of institutions that was created represented a change in the procedures and approaches previously established. For example, contemporary policies towards prevention completely revised the earlier established procedures for crisis intervention and the range of options for further placement of children (Beckett, 2007). An analysis of policy making shows that these two strategies, introducing new layers of provision and changing the nature of provision, are a characteristic of Western child protection (Thelen, 2009). In the major part of the world, however, the institutional strategies of child protection are significantly different. Thus, in countries with a history of colonisation, many practices relating to children were introduced in line with the profile of child welfare policy in the colonialist country. Contemporary revision of child protection often reflects the aim of emancipation from such influence and the development of policies more relevant to local cultures. The international organisations and their initiatives also shape policy around children, by promoting new standards, reinforcing local NGOs, and establishing the system of obligations for states. So, how do countries with a different background change the way they approach the organisation of child protection?

In our view, in addition to introducing new layers of provision and changing the nature of provision, *mutation* becomes a very probable scenario of changes in the countries which take on

global approaches to child protection. A procedure recently introduced does not change the previous procedure, but it mutates under the influence of contexts and practices typical of the region. For instance, in many post-socialist countries the attempts to introduce foster care led to confusing foster care with kinship care, especially by grandparents who then got a double status by being guardians and also taking all the benefits of foster caregivers. The other example of mutation of foster care is the very recent practice of only placing children without such issues as disability into foster families. Such trends are justified by the aim of introducing foster care, while the core meaning of foster care, including its professionalisation, is ignored. Some post-socialist countries tend to accept small-size residential care units as a form of foster care even though the main features of foster care, such as the experience of family patterns and a more consistent individual approach, remain unachievable in small-size units. These mutations dramatically limit the mission of foster care - to provide the balance of security and autonomy for those children who do not belong to the target groups for adoption because of the chance of reunification with their birth families or because of the demand for special care. The mutation of procedures changes their main functions and means that the introduction of new methods leads to minimal change.

Experts in Kazakhstan have noted signs of mutation in juvenile justice procedures. The attempts of juvenile court judges to apply restorative approaches has run into problems because there are not enough day-care centres and other facilities for implementing supportive regular monitoring of the minors in conflict with the law. Undoubtedly, the mutations of new initiatives and practices show the impact of the recent past on the policies and practices about children. The Soviet past, with its incredible social turbulence during the early post-Soviet period and the current era of neo-colonial struggle for resources in the Central Asian region, permeate the very specific pathway of child protection which directly affects the mutation of adopted approaches and strategies.

It is difficult to compare the Soviet approach to child protection with the formation of health care, education, and welfare policies in the Western world. Colonising Central Asia, the young Soviet state was at the early stages of child protection formation, and there was no implementation of approaches to protect children coming from the coloniser to the colonised. Also Soviet child protection was behind in terms of establishing such a crucial strategy as crisis intervention. The first consistent regulations regarding a child's removal and the limitation of parental responsibilities were introduced in the first half of the 1970s⁸. It is reasonable to conclude that by the end of the socialist era, Soviet child protection was at the very beginning of developing regulations to empower professionals against the 'natural power' of parents. To be precise, the Family Code which set out the most arbitrary regulations against parents was only issued in 1994.

⁸ It coincided with the intensive professionalisation of child protection started in the second half of 1960s. Due to the demographic crisis, the Soviet state attempted to put more responsibilities on parents together with a more generous system of benefits for them.

It is important to take into account that in the Central Asian region, Soviet trends were developed under the influence of the local way of life which was not so urban as in the central regions.

Child protection was determined by local practices, and typical of the Soviet period, regionalism directly shaped the policies around children. In the Central Asian republics, the Soviet authorities relied on the regional elites and practiced a ‘divide and rule’ strategy in order to limit the options for cooperation between interested groups and different departments. The main vehicle of manipulation was regulating access to resources: power, money and human resources. For the three divisions of authorities responsible for children, Departments of Education, Health Care and Social welfare, residential care units were the main resource because the cash flow was for supporting these institutions and other benefits. Having worked separately during the Soviet period, these three departments remained in conflict, and because they had different histories of cooperation with international donors this continued in spite of several recent attempts to unify all residential care units under one department’s umbrella. Even though the departments agreed on the need for changes in child welfare policies, they were rivals for the position of reform leader. There were significant disagreements between them regarding the right strategies of transforming child protection. The experts have provided evidence of the very limited abilities of Departments to develop interdepartmental co-operation. For instance, in Kyrgyzstan all Ministries responsible for residential care admit the necessity of reforming the system, but each sets out their own trajectory of reforms, which do not conform to the projects of other Departments (Myagchilova, 2012). The Ministry of social development focuses its efforts on substitute families and small-size residential care units, but the Ministry of Health tends to prioritise various strategies for supporting birth families (Miroshnik, 2014). The experts found that in their experience, the degree of discrepancy increases at the local level. Different local authorities view the problem, in particular of family or community, in different ways and offer strategies for solving the issue that are barely comparable: “It is a huge obstacle,” – the expert admitted, “One board says that we have to remove the child, but then another specialist attends the family and offers a totally different plan”

The clear lack of integration between authorities encourages many international donors to think that the key initial step to sustainable changes towards deinstitutionalisation should be unifying all the branches of residential care under one departmental umbrella. This strategy is seen as the best solution for avoiding meaningless negotiations. But the current attempts to intensify deinstitutionalisation by merging the different departments reveal that it is not enough for launching sustainable reform.

In Tajikistan, special local departments for children’s rights were established in order to consolidate the activities of two previously operating structures, the Board of Minors’ Affairs (within educational authorities) and the Board of Custody and Guardianship (within local government). The departments of children’s rights were intended to work closely with the Ministry of Internal Affairs in order to exchange and disseminate information. The circulation of data aims to improve regular monitoring in different areas such as education, health care and welfare and

make the initial stage of case work more efficient. The experts stated that while in a few regions the transformation was consistent, in many others the composition of the original departments and boards was retained, while newly introduced departments of children's rights were asked to duplicate the tasks of their counterparts.

One of the possible explanations for this outcome could be the fragmented reform of the original system of procedures and services which impedes change. The experts from Tajikistan mentioned that those who worked in the structures which were targeted for working together did not get any special training, and were unable to understand their role in the activities of the newly established Department of Children's Rights. Also, the decision to amalgamate two departments into one remained administrative – no change was made in the existing legal regulations nor was a special legal framework drafted. Also, the Department of Children's Rights did not get any formal legal authority. The experts described the negative consequences of the co-existence of different structures as overlapping of their activities, frustration of those parents and children who were looking for assistance and other communication barriers.

In the different levels of policy making aimed at deinstitutionalisation, there is the idea of unification: to put the responsibility for residential care in one Ministry; to establish a consolidated local department (e.g. of children's rights), and last but not least, to help the staff of closed institutions by providing the assistance of professionals⁹. But unifying the services does not provide the desirable diversity of approaches to child's assessment and intervention. Even more, such an approach ignores the specifics of relationship between central and regional authorities which varies from country to country.

Thus, in Kyrgyzstan, regular monitoring by experts notes the increasing influence of regional political elites while the state-level departments are forever trying to establish sustainable cooperation in spite of the turbulent political situation. In Uzbekistan and Tajikistan, the relationship between local and state-level authorities is totally different: the central authorities hold the power and the regional leaders are expected to obey. In Kazakhstan, the unique composition of central and regional authorities works in favour of their mutual adjustment and sharing arrangements including such issues as child protection and children's rights. This is one of the unique characteristics which makes Kazakhstan very attractive for conducting pilot projects whose outputs can be disseminated in the rest of the Central Asian countries. But the reasonable question is, if the very probable success of a project in Kazakhstan is determined by its unique composition

⁹ It is remarkable that the initiative to organise residential care settings as comprehensively staffed services including psychologists, speech therapists and social workers was developed in the second half of 1980s simultaneously with the intensive familialisation. Thus, families would get benefits for good performance of parental tasks, and children who did not have families would get as much professional care as possible.

of driving forces, would other countries be able to reproduce it? A relevant way to answer the question is to analyse the regional specifics regarding three most important realms of child protection in this region: the coincidence of two current trends, criminalisation of parenthood and decriminalisation of children; the administrative basis of decision making; and civil monitoring under residential care settings.

Criminalisation Vs. Decriminalisation of Child Protection: Challenge or Opportunity?

In the Central Asian countries, the simultaneous elaboration of two quite different approaches, criminalisation and decriminalisation, permeates contemporary changes in the organisational approaches and ideological grounds regarding violence and its prevention. On the one hand, all the countries have tended to introduce new tougher norms for controlling parents and those who are guardians. On the other hand, the global fashion of decriminalisation has not passed the Central Asian countries by: restorative justice as well as the international model of decriminalised juvenile justice is on the top of current projects.

Criminalisation covers various realms of child protection. The statutory authorities obtain more and more power to make decisions, thus depriving parents of their rights. For instance, in Uzbekistan a direct threat to a child's health and safety is sufficient grounds for the immediate removal of the child from the family (article 87 of Family Code; The Statement about the Board of Guardianship and Custody, 1999). The local authorities have to inform the court about removal within 7 days together with a suggestion for either limitation or termination of parental rights. The experts highlighted that such a procedure leads to zero chance of parents contesting the action of the Board. The application of such practices shapes the new demands made on the authorities: they not only have to obtain information about cases of abuse and neglect, but also they must act immediately. Obstacles in disseminating the information can be seen as obstacles to ensuring timely treatment. The result of this, according to the experts, is that Kyrgyzian schools avoid passing on information about cases of violence even though they are obliged to do so. This can be explained by pressure coming from the criteria for evaluating schools: within the Ministry of Education, cases of violence may be seen as indicating a less efficient performance of the pedagogical requirements in a particular school. The school principals are not interested in reporting cases because they would automatically share the responsibility for allowing such violations of children's rights.

In order to legitimise criminalisation, those who advocate such measures organise public campaigns aimed at delegitimising violence against children. Though the aim is clear, such campaigns do not always achieve the main objectives. Thus, in one of the countries the campaign used the example of two opposing families, one practicing violence on children in the home and another as the example of positive discipline in parenting. The first family, the 'bad' family, was presented in national dress and in traditional surrounding, while the 'good' one looked like a European middle-class family. The message of the campaign, that backward traditional attitudes

were the main source of violence in the home, met great resistance from local people. The campaign was stopped, as was any fruitful public debate about the issue of violence.

Alongside the trend to criminalise parenthood, international bodies put forward a model of decriminalisation for developing juvenile justice. Adopting Austrian and French approaches to minors in conflict with law, the Central Asian countries rebuilt their legal framework around implementing restorative justice with its focus on mediation and negotiation as well as supportive control and alternatives to detention. As a pioneer, Kazakhstan started to introduce juvenile justice in 2012. Kyrgyzstan and Tajikistan have been developing pilot projects in some regions for the last two years.

Currently, both trends, criminalising parents and decriminalising minors in conflict with law, are not seen as interrelated. It is reasonable, however, to expect the union of these trends in the near future. Juvenile justice is obliged (in law, not in practice) to make decisions not only related to minors in conflict with the law but also in a wider range of cases including custody disputes, child's removal, the limitation of parental rights etc. Parents whose children could be defined as delinquent could also have limitations imposed on their parental rights. According to the experts, only the shortage of judges blocks the extension of juvenile justice to other realms of decision-making than youth delinquency. And the moment when judges are required to make decisions about limiting the rights of parents is not too far off. Would they be able to put together quite a different vision of how to deal with criminalisation and decriminalisation is a question that remains unanswered, even for the judges: "How to evaluate the capabilities of parents, it is a big concern" - a judge from Kazakhstan admitted.

Experts have already observed a very visible difference in the functioning of residential care settings as a result of these two trends. The boarding schools, which are the part of the decriminalisation programme and are more responsive to children's needs, are now more open and tend towards a participatory community-based approach. But criminalising the parents accompanied by the child's removal leads to a placement into the original unreformed settings which are definitely not child friendly. These institutions do not practice cooperation with NGOs and communities, and the task of social inclusion is not amongst their priorities. Both types of institutions coexist, and decriminalisation does not influence the systematic reform of residential care as part of a child protection system. The experts highlighted the risk of an arbitrariness of decision-making about a child's placement, either into a 'good' or a 'bad' institution, which could produce a new type of institutional violence due to an arbitrarily selective, non-transparent approach.

The coexistence of 'good' and 'bad' residential care settings can be seen as another example of mutation of the primary intention which was to make child protection more fair and child-friendly. The proper response to this mutation which should be the reform of the original procedures for decision-making – which still require a lot of changes.

The Administrative System of Decision Making: The Intractable Socialist Legacy

The most distinctive feature of Soviet child protection was the administrative system of decision making: many crucial decisions would be made by special advisory boards operating at the local level. Three main Boards delivered the decision about monitoring and placement for key target groups: the board of custody and guardianship – for the children whose family were unable to provide care; the medical-pedagogical (later medical-psychological-pedagogical) board - for children with disability and the board for minors for the young people in conflict with law. The boards obtained the power to make decisions, and there were no opportunities for appeal – because the boards did not operate a normal legal procedure with the accompanying universal set of options for contesting and appealing a decision. Along with the lack of an appeals process, the administrative system produced a non-transparent decision-making process without any opportunity for independent experts to engage and provide a different opinion. Any attempt to make the administrative order more friendly to children failed (Schmidt, 2014)¹⁰, and the administrative approach remains the core Soviet legacy in the post-Soviet era. The administrative order for a child’s removal was fixed in the Russian Family Code of 1996, where Article 77 provides grounds for a child’s removal by the local authorities without waiting for a court judgement. The spike of arbitrary removals which occurred in the second half of the 1990s was definitely caused by this new regulation. This norm was adopted by all Central Asian countries in 1996-1997, and applied also to children whose parents went away to find jobs.

Few post-Soviet states, with the exception of Russia and Belarus, continue to practice the administrative order system of decision-making about children and families. Most post-Soviet states, including the Central Asian countries, recently replaced the administrative order system with legal procedures, except Uzbekistan which still keeps this norm. All the experts we consulted agreed that introducing a legal system of decision-making had a positive impact on the implementation of children’s rights: ‘Now we can contest; we have a chance to participate and help the child’, the expert from Tajikistan commented on the legal regime for placing a child in conflict with the law in a special boarding school. There are certainly positive effects of this change, but introducing a legal regime cannot correct all the shortcomings of crisis intervention, and the experts stressed this point: “The judges continue to rely on the opinion of different boards, and actually, the boards have kept their power and role in decision-making”. Additionally, the boards were not

¹⁰ The most consistent attempt to change the rules of decision-making was done in the second part of 1980s by the psychiatrists of the Institute of Psychiatry of the Ministry of Health. They not only helped those children who were placed into institutions to 'lift' the diagnosis of mental retardation, but tried to advocate the rights of those who were placed into institutions for children with mental disability. But the initiative to introduce a procedure to contest the assessment of mental development of those children who were viewed as mentally retarded was supported neither by the Ministry nor by the professional community.

relieved of their decision-making function in all regions. Thus, in several regions of Tajikistan the Boards of Minors' Affairs continue to place children into special schools, and only this practice will only be stopped by imposing a ban on the special schools accepting children who were sent following a decision of the board.

The experts from Tajikistan and Kyrgyzstan did not know of any case where the court's judgement relating to the placement of a child into a special school had been contested. It is not the arguments of the experts but direct suggestions from local authorities that incline the judges towards applying alternatives to detention for minors in conflict with law. The experts expressed concern about this way of influencing judges. On the one hand, local authorities have quite a good understanding of local networks and the available resources for assisting children and young people. On the other hand, the lack of services is often used as an argument in favour of placing children into institutions. The expert from Tajikistan described the project aimed at creating supportive networks around children in conflict with law which was implemented in 13 regions for two years. The core element of the networks were leisure centres for children and young people. Their cooperation with social workers and NGOS solved the issue of controlling and re-educating children and their families. Despite this obvious success, once the financial support ended, the project stopped operating, and the judges started ordering "send the children to correctional institutions" again.

The dependence of judges on the limited range of alternatives has become a source of great frustration for those who are trying to develop juvenile justice, especially in Kazakhstan, where the reform of juvenile justice has been the most systematic. While the judges have established procedures and attained competencies to practice an individual approach to assessing each case, they remain limited in planning further strategies of intervention because of huge gaps in social services and community care. One of the judges we interviewed described this current issue as 'the vacuum of options for doing meaningful work'. Probably in contrast to French and Austrian juvenile justice, two systems which operated as the model for developing juvenile justice in Central Asian region, Kazakhstan does not have access to the network of community and social services that these countries have. The obvious imbalance between an intensive reform of the approach to decision-making and the systematic shortcomings of community care prevents a consistent application of juvenile justice approaches that favour decriminalising the response to children in conflict with law. "It is painful – to make a decision about placing the child into a special school, but I know well that there are no reliable services for solving the task of re-education, and what is more problematic, we do not expect that such services would appear soon", - one of judges told us. Along with the discontinuities which lead to the mutation of the primary idea of juvenile justice, new procedures remain unavailable for those children who live in rural areas: "often the child has to travel together with parents, but if they are short of money, only the child would arrive for the hearings, and naturally there is not any chance for comprehensive understanding of the case", the expert from one of Kazakhstan's region mentioned.

The opposite type of discontinuity, ‘backward’ decision making and ‘upgraded’ intervention, distinguishes current attempts to minimise the risks of placing children with disability into boarding schools. Even though there are systematic efforts to develop inclusive education as a key alternative to special education, the approach to assessment of children with disabilities both in terms of procedures and criteria remain Soviet-fashioned. The special medical-psychological-pedagogical board makes recommendations to guardians about the most suitable placement for the child with disability, and usually it is extremely difficult to oppose these recommendations. This obstacle to transparent contesting of decision-making becomes crucial for children with disabilities whose guardians are not the parents but the principals of residential care centres.

While the parents can disagree and not place their child in boarding school, the children in institutions who are without parental support do not have access to ways of contesting the board’s decision. Transferring children from one type of residential care to another remains a source of violation of children’s rights and one of the most serious types of institutional violence. The very common trajectory, from the institution for children without disabilities to the centre for children with a multiple developmental disorder, does not allow any possibility of reversing this scenario and bringing the children back to the institutions which offer better conditions and options for family placement. And for this group of children there is no chance of getting access to transparent procedures for contesting the decision-making. The experts from Kyrgyzstan stress the absence of options for intervening in situations where even volunteers could recognise such cases: “It is arbitrary - not only because the children are placed into mental health clinics because of the inability of staff to cope with the children but also because there is no way to contest such a decision”. Despite several public campaigns against such practices, measures requiring the staff to be responsible for such ‘transfers’ were not developed. The boards have kept their power to send children to the institutions but do not bear any responsibility for such decisions.

According to experts, the boards do not take into account the intensive development of inclusive education and early intervention: they do not provide information for parents and do not explore the options for placing a child into an inclusive kindergarten or school. Without a supportive approach from the boards, initiatives for developing inclusive education remain as projects separated from mainstream measures for the children with disabilities: the parents do not have enough information; the children do not have access to comprehensive assessment; the inclusive schools operate in isolation from systematic early intervention.

Both these examples of inconsistent reforms towards deinstitutionalisation, for minors in conflict with law and for children with disabilities, demonstrate a core aspect of mutation, that is, inconsistent changes in the ‘cycle’ of intervention, and a focus on changes of one of the stages without coherent changes in the others. Introducing juvenile courts does not accompany systematic changes in the strategies of alternatives to detention. The development of inclusive education remains separated from the systematic changes in the procedures and criteria for assessing the child’s development. Both these newly introduced practices, juvenile courts and inclusive

education, lose their potential and mutate to become elements of the system which support closed institutions.

Sustainable changes require a unity of ideas and procedures. Transparent decision making that can be contested would operate in favour of alternatives if those who are responsible for crisis intervention shared the idea of diverse approaches to children and families because they knew that no one solution could provide everything, and the best solution cannot be universal. They need to understand the case from different points of view. Alongside such mutual dependence of ideas and procedures, the participatory approach is needed. The contest of opinions works when parents and children get advocacy support as well as options for comprehensive participation. Access of parent and child to legal aid and expertise is desirable and advances reform but only when those who provide such assistance are able to resist clichés, and their arguments will wake up a response from other stakeholders. Currently, such cases of strategic advocacy remain rare and do not transform into consistent practices.

There is also a risk that the development of independent, transparent expertise would be in conflict with the very consistent trend to restore the role of local communities, such as the *machalya* in Uzbekistan or the *akimat* in Kyrgyzstan in making a decision about cases of violence against children. The expert from Uzbekistan mentioned that the government is making a great effort to advance the role of the local community: “In the latest version, the law on local self-government prescribes the *machalya* establishing special boards for working with women, youth, children. They are going to involve the people who have relevant experience, mainly amongst pensioners...”. The expert doubted that it would help to create a systematic prevention of violence: “Mainly, they try to achieve reconciliation - there is no choice for the woman and the child; they have to stay with the perpetrator after ‘reconciliation’. The parental family is not in the habit of accepting the woman, and the relatives prefer standing back from such situations”. Alongside this obviously patriarchal approach, the local communities do not take part in the decision-making about those children who have been placed into institutions.

Clearly, the transformation of the decision-making which triggers either institutionalisation or deinstitutionalisation requires systematic and regular monitoring of the residential care settings as well as the other types of services. Despite diverse projects aimed at establishing independent monitoring of the child protection system, the task of highlighting the issues and potential is still not done. The analysis of current initiatives about monitoring aims to highlight shortcomings in producing options for connecting monitoring under residential care with the task of preventing institutional violence there.

Monitoring Residential Care Settings

The experts agree that all stages of professional intervention with children and families require systematic review and monitoring. Accepting this call to action, they expressed quite a critical

attitude to the existing methods of such monitoring: “Neither national prosecutors nor international watchdogs cope with the task of disclosing violence ... the best way is to observe the routine of special schools, detention centres and orphanages, not to ask but to be there amongst children every day” (psychologist, Kazakhstan). The experts from Kazakhstan mentioned one more weakness of the current approach to monitoring: focussing on one type of institution and target group and ignoring others: “The Committee (The Committee of Children’s Rights) does not consider that the children with disabilities need more attention; all the efforts are concentrated on minors in conflict with the law”.

In all countries, the office of the prosecutor is required to monitor residential care settings and prepare annual reports about the situation there. The analysis of these reports indicates what the main priorities of monitoring by prosecutors are. The prosecutors tend to concentrate on checking that the savings of the children (the majority of them gets special benefits due to their official status as disabled) are properly paid and the way children’s savings are spent by the staff is appropriate. The main criterion of appropriate spending is the cooperation of staff with the local Boards of guardianship and custody in planning spending and the reasonable nature of the spending. The prosecutors do not ask the children anything; nor do the staff take into account the child’s opinion. The most scandalous stories which led to the dismissal of principals were directly linked with cases of unlawful diversion of children’s savings. Prosecutors also evaluate the provision for meeting basic needs: nutrition, medical care, hygiene standards – which correlate with the above discussed focus of experts on the provision for meeting children’s needs. The obvious focus of statutory monitoring on provision corresponds with the priorities of activists’ definition of violence which puts as their top priority the capacity of institutions to provide for the children’s needs (Matkevich, 2016). That probably explains why the experts did not mention any shortcomings in the approaches to monitoring which are taken by the prosecution office. Nevertheless, many local experts highlighted various issues about the approaches taken by international human rights initiatives to monitoring residential care in the Central Asian countries. Recently, several international watchdog organisations had conducted surveys aimed at monitoring the implementation of children’s rights and the violations against them. The main method was in-depth interviews with the children and the staff of closed institutions. Some of the experts were involved in the process of collecting data, and their critical view was based upon their own authentic experience. The irregular communication between those who monitored the residential care settings and the staff in them was seen as an additional drawback of this method of civil control. The experts from all countries stressed their limited capacity for in-depth observation: “We were guests unable to figure out the daily practices. We could observe the facade.” Their inability to ensure that their respondents would be safe was the other most often mentioned risk: “Nobody knows what will happen with those children who shared their negative experience...probably, they were punished”.

Our exploration of the current initiatives indicates one more risk which stems from the tendency to apply the same scheme of monitoring for the closed institutions for different target groups: children

with disabilities, in conflict with law or without parental care. The main frames were adopted from widespread approaches to monitoring detention and prisons developed by international bodies. These schemes focus on inhuman treatment and different visible violations such as illegal disciplinary measures, torture, etc. By adopting the monitoring developed for correctional facilities as a universal scheme for disclosing all issues of violence in residential care, the watchdog organisations are facing limitations in recognising the specific forms of institutional violence typical of institutions for particular groups. Also, putting all residential care settings on a par with correctional institutions leads to labelling those children who are placed in institutions.

If we accept the mission of holding the balance of security and autonomy through all stages and practices of child protection, monitoring residential care should work from this perspective too. Applying the framework for monitoring correctional institutions prioritises security and neglects indicators regarding autonomy as well as the balance of security and autonomy. Many practices of current residential care significantly limit children's ability to plan their lives, and such practices remain beyond the purview of monitoring whilst the activists limit themselves to the task of disclosing very visible forms of violence such as corporal punishment, incredible neglect of basic needs or sexual abuse.

It may be that this focussing on visible forms of violence assists the objective of attracting public attention to the institutions so as both maintain the consistent negative view of them and to motivate public participation in family placement. However, as we have already made clear, such campaigns do not achieve these goals. When monitoring is determined by the aim of unmasking residential care and showing what it is really like, it loses its potential to motivate the professionals to revise their approaches and participate in the reforms. The never-ending disputes between practitioners from residential care settings and the activists are as common as the attempts to put them together. Such disagreement does not work in the best interests of children. The other obvious negative consequence of focussing on inhuman treatment and the risks of security is inevitable objectifying, even labelling of children, and hindering them from having opportunities to provide testimonies. Seen as the victims of such treatment, the children are not asked about their own experience but they are led by particular set of questions towards the particular picture of violence in the institution. Even if what they say is true, it is not that comprehensive recognition of the child's experience which we need for connecting the prevention of violence and empowerment of the children.

If the monitoring of institutions showed an understanding of the various risks for the balance of autonomy and security, would such monitoring affect the reform? It seems that the answer would be "yes" – due to the indispensability of applying the participatory approach to monitoring the children's autonomy. Such an approach to monitoring would help not only with the process of asking the children what they have experienced but also with how to ensure the opportunities are provided for their active participation in analysing and mapping the practices which directly lead to institutional violence.

Various forms of institutional violence remain invisible and unrecognisable until those who monitor residential care stop ignoring the core principle of children's rights – which is to rely on the experience of children, ask them and put into practice an approach responsive to children's values and feelings. When we asked the experts to develop a set of questions for children aimed at indicating their idea about violence, the experts carried out this task and discussed the following possible questions: In what moments do you feel yourself helpless and powerless (as a doll which is manipulated by others without any options to move on its own)? Do you remember how you coped with this? What is the most unfair thing here? What should be done to stop such unfair things? Whom could you tell about it?

According to our own experience of working with children who experience institutional care, it is important to shed light on the practices aimed at improving control over them. Special attention should be paid to the internal selection – the various practices of dividing the children into groups according to their social and educational ability. Such a division operates in order to assist with managing the risks of 'uncontrolled behaviour'. The relocation of children from one institution for more 'manageable' children to another, with tougher approaches and better equipped to control the children 'at risk' remains the main option for solving this issue, and civil monitoring should be equipped to understand and report on this aspect of residential care. The experts mentioned that they were suddenly able to recognise such practices: "We were in one residential setting for children with multiple developmental disorders, and there was one small one-floor building situated separately from the main building. Nobody mentioned what it was, for what purposes, and I was thinking that it was something like a storage. And I asked: What is it? They told us that it is a special box for the children with the most serious problems who are unable to care for themselves. When we entered it smelled of hopelessness".

The other point that needs special attention is the communication of children with their relatives. The staff should provide and ensure options for regular communication; nevertheless, the experts noted practices that worked contrary to the task of encouraging parent-child communication, and deeper embedding of the children in residential care into the local communities. The experts of Kazakhstan mentioned that one of the key differences between old-fashioned boarding schools and the new ones is the policy towards cooperation with communities and families: "In that new boarding school the children work together with the local people, participate in regular local events. Their families attend such events, and the school is as open as possible. But in the schools which were established during the Soviet period this is a difficult task. Many of these schools are situated far from any small village. The staff are not interested in working with the community – they *are* the community, because all those who work in the nearest village are the specialists from this institution. It is a vicious circle of mutual dependence".

Tolerance to the obvious differences between closed institutions for different target groups should be extended to the differences between regions. The analysis of existing statistical approaches to child protection notes various shortcomings in collecting and analysing the data. No doubt the

statistical approaches directly reflect the policy towards children but they also regulate it. The different stakeholders derive their arguments related to the right strategies for child protection from statistical data. The statistical observation and civil monitoring should complement each other in order to provide well substantiated information, and one of the strategic aims of monitoring should be to suggest criteria and indicators for gathering statistical data. Thus, the areas of monitoring would be extended to analysing.

In Tajikistan, the statistical observation of children and families is based on the ‘nuclearity’ of families: does the child live with both parents or with only one of them or without parents? The category “children without families” consists of three different subcategories: those who were placed in institutions, with substitute families or under kinship care. The number of all children ‘deprived of the opportunity to live together with their own family’ is approximately 2 per cent of the population under 16. The statistical approach of Tajikistan is an extreme example of the trend typical of all Central Asian states – the consistent division into birth families and any other form of child’s placement. Upbringing in the birth family is seen as natural and normal in contrast to any other type of organising care for the child. Such consistent division fails to assist in the evaluation of developing substitute families as a main alternative to residential care. Also, the absence of information regarding how many children are adopted, placed into foster care families or placed under kinship care prohibits activists from planning the strategies which would be sensitive to the regional basis of family placement practices.

In Kazakhstan and Kyrgyzstan, the approach to collecting data is more sensitive to the task of monitoring the options for deinstitutionalisation of child protection. Both countries record the number of children in closed institutions of different types and different types of placement – even it is not equally comprehensive for different target groups. For instance, the data about children with disabilities reflect the attempts to establish the system of inclusive education and minimise the placement of children into special schools. In both countries, however, the data about abused and neglected children are still missed.

It is not only the approaches to gathering data that indicate the problems of monitoring, but also analysing especially what is absent – that is, exploring the specifics of the region. The experts from all the countries highlighted the significant differences in the regional profiles of child protection and the necessity to develop strategies sensitive to regional differences. Thus, the expert from Kyrgyzstan mentioned: “There is a huge difference between the Northern and Southern regions – in the South the majority of children in the institutions are those who arrived from Uzbekistan or whose parents are refugees, and in the North the main reason for placing a child into an orphanage is labour migration”. But in the official statistics, neither the comparison of cities and rural areas nor other important dimensions (e.g. the closeness to the armed conflicts, the ethnic composition of population) are embedded into the analysis of the dynamics of institutions and the number of children there.

The main matter to consider is how to transform child protection towards being more responsive to the prevention of violence in various institutions. What type of placement we would like to either attack or advance is not so important. The main issue is, what are our arguments? The arguments reveal our ability to develop a strategy for reform and map potential contributors and relevant methods of achieving desirable changes. Since the fall of USSR, residential care is associated with the dark socialist legacy with a disregard for the intensive growth of settings as well as the number of children institutionalised during the early post-socialist period. Local armed conflict, labour migration and the speedy decline of welfare directly influenced the dissemination of residential care. The Soviet legacy continues to influence ideas and procedures of child protection, but it is reasonable to conclude by saying that this influence remains latent in different ways. Neither the violence of knowledge which stemmed from Soviet special education nor the arbitrary procedures are recognised as the factors which lead policies and practices which are introduced to prevent violence to mutate.

Conclusions

As with many other Human Rights initiatives, the prevention of institutional violence against children grapples with the imbalance of across-the-board concepts and local contexts. Even if the issue of such imbalance is well-known by many stakeholders in diverse realms of social reform there is no universal recipe for its solution. We are forced to say to ourselves that the issue of institutional violence cannot be solved entirely and permanently. This confession does not lead to rejecting any systematic action – in fact, the risk of institutional violence is always quite high and should push us to develop its prevention. Accepting the inevitability of violence in institutions, we recognise the necessity to work together – with other actors. Nobody has enough resources for preventing the risks of violence – especially due to the magnitude and outstanding diversity of the violence in different institutions for children. The networking of various actors also maps the wide range of contexts and positively challenges the ability to put these specificities into the whole notion of violence and its prevention.

Recognising institutional violence calls upon us to polish our notion of the connections between the procedures which lead to violence and the ideas which justify such procedures. It is reasonable to conclude by saying that institutional violence operates as a cycle consisting of two interrelated realms: the violence of knowledge and the arbitrariness of procedures. Even though the professionals remain those who actually commit institutional violence, the public as well as the communities share the responsibility by staying away from the efforts to prevent violence or aggravate it by thoughtless attempts to minimise violence.

Also, the case of Central Asia indicates one of the significant obstacles against sustainable development of preventive strategies: that is, the pressure of public opinion towards simplifying the approach to institutional violence, and the seduction of activists towards recognition and acceptance. Violence is a complex issue, and in many cases, the intention to be clear and

understandable to the public leads to speculative and manipulative moral campaigns which inevitably aggravate the situation of the children at the closed institutions in various ways. Undoubtedly, institutional violence calls for understanding by the people – but not as a part of moral panics. Identifying new styles and genres for promoting the prevention of institutional violence is an important new task as is civil journalism for experts. Solving this task as others related to the prevention of violence calls for systematic revision of our notions and approaches to violence.

The vicious circle of institutional violence provides the basis for creating a virtuous circle for its prevention. Two interrelated approaches, a critical revision of the past of child protection and child-friendly practices, shape the strategies towards redefining the prevention of institutional violence. Focussing on the diverse connections of ideas and procedures encourages the recognition of the impact of previously established policies and practices on the current operation of child protection. Their critical revision relies on the need to ensure epistemic justice for children – giving them the right to express themselves and produce their own interpretation of their experience including their experience of violence. To start the transformation of child protection towards a participatory, actionist approach, we need to use the ‘thick description’ of institutional violence based upon the exploration of the historical background of child protection. The case of the Central Asian region consistently persuades us of the need for such a critical revision of the recent past in order to recognise and accept contemporary shortcomings. The risk of becoming lost in the historical vicissitudes should be prevented by fixing our focus on the child-friendly approach as the main source for driving the criteria and indicators for the revision.

The child who experiences institutional violence remains a key actor for identifying the diversity of arbitrary procedures stemming from the violence of knowledge. In fact, the child fills the position of key expert in understanding what are good practices. Recognising the historical points of child protection works to provide this in a more systematic way in each stage of child protection: prevention, crisis intervention and further placement of children. The children should get the opportunity to oppose violence in a consistent way – because violence against them remains an extremely coherent array of practices towards objectifying children – accepting them as very valuable and fragile but objects of treatment and passive recipients of care.

If we accept the fact that one of the main triggers of violence against children is objectifying, we should put together the issue of violence against women and against children. Objectifying, a key trigger of violence, operates efficiently both for exploration and intervention regarding violence against women, but still remains only a potential for childhood studies. Merging institutional violence against women and against children helps us to recognise how the institutions which were established in order to ensure the welfare of women and children inevitably became the key violators of women’s and children’s rights. International law operates in favour of creating independent expertise to monitor and revise the practices of such institutions.

Those who apply international law, e.g. the Convention on the Rights of the Child, to the issue of institutional violence should take into account the origin of international legal frameworks as well as the outstanding potential of the Convention for developing a sensitive contextualised notion of violence in a particular region. We should look upon the role of child protection in the Global North countries as a sort of benchmark; we need to look ahead to the future with the lens of local peculiarities whilst staying on the international platform for understanding children's rights. As we become more thoughtful in our efforts to put together local and global perspectives, there are more chances we will be able to provide for ensuring that the children who experience institutional violence or are even at risk of it can cope with the consequences and threats.

References

- Altshuler, B. 2009. *Stop the machine of child murder*, Dislife information portal, available online at <http://www.dislife.ru/flow/theme/2020/> [accessed 16 January 2016]
- Beckett C. 2007. *Child Protection: An Introduction*. London: Sage.
- Duniec, E., and M. Raz. 2011. "Vitamins for the Soul: John Bowlby's Thesis of Maternal Deprivation, Biomedical Metaphors and the Deficiency Model of Disease." *History of Psychiatry* 22(1): 93-107.
- Efevbera Y., McCoy D., Wuermli A., and T. Betancourt. 2017. "Early Childhood Development Plus Violence Prevention in Low and Middle-Income Countries: A Qualitative Study." *Children and Society*. 31 2 pp.98-109
- Eriksson, M., M. Hester, S. Keskinen, and K. Pringle (eds). 2005. *Tackling Men's Violence in Families: Nordic Issues and Dilemmas*. Bristol: Policy Press. Evans, P. 2009. "Improving Gatekeeping Functions of Child Protection Systems." Concept paper for the 2nd Child Protection Forum for Central Asia on Child Care System Reform.
- Hart, R. 1997. *Children's Participation: From Tokenism to Citizenship*. Florence: UNICEF International Child Development Centre.
- Guhin, J., and J. Wyrzten. 2013. "The violence of Knowledge: Edward Said, Sociology and Post-orientalist Reflexivity" In Go, Julian ed., *Political Power and Social Theory: Postcolonial Sociology*. London: Emerald Insight.
- Herman J. 2005. *Trauma and Recovery: The Aftermath of Violence: From Domestic Violence to Political Terror*. USA: Basic Books
- Kane, D., and K. Gorbenko. 2015. "Colonial Legacy and Gender Inequality in Uzbekistan". *Current Sociology* 1:18.
- Lee, N. 1996. "The Challenge of Childhood: Distributions of Childhood's Ambiguity in Adult Institutions" *Childhood* 11(6): 455-474.
- _____.2005. *Childhood and Human Value: Development, Separation and Separability*. Maidenhead: Open University Press: McGraw-Hill Education.
- Luong, P. 2000. "After the Break-up: Institutional Design in Transitional States." *Comparative Political Studies* 33(5): 563-592.
- Malyuchenko, I. 2015. *Labour Migration from Central Asia to Russia: Economic and Social Impact on the Societies of Kyrgyzstan, Tajikistan, and Uzbekistan*. OSCE Bishkek.

- Matkevich, S. 2016. The staff of boarding school has been mulcted 20.03.2016 <http://golos.kg/?p=30108> [accessed 21 April 2017]
- Ministry of Education of Kazakhstan. 2009. *The Review of the National Educational Policies in Kazakhstan, Kirgizia and Tajikistan: The Children with Special Needs and Limited Abilities*. Bishkek.
- Miroshnik, M. 2014. *The Foster Families become the Alternative to Orphanages in Kyrgyzstan*.
http://www.vb.kg/doc/294379_alternativoy_detskim_domam_v_kyrgyzstane_stanoviatsia_fosternye_semi.html Vecherni Bishkek [accessed 25 January 2016]
- Myagchilova, A. 2012. *My Own Second Mother or How will be Foster Care Families Born in Kyrgyzstan*.
<http://www.polit.kg/newskg/485> [accessed 25 January 2016]
- Parkes, J. 2007. "The Multiple Meanings of Violence: Children's Talk about Life in a South African Neighbourhood." *Childhood* 14(4): 401–414.
- Petranovskaya, L. 2009. *Punitive Psychiatry*. Available online at <http://www.regnum.ru/news/1164917.html> [accessed 16.1. 2016]
- Rubinstein, S. 1986. *Psikhologiya umstvennogo otstalogo shkol'nika. Uchebnoe posobie dlya studentov ped. institutov po spets. 211 "Defektologiya."* Third edition, Moscow: Prosveshchenie. Available online at <http://www.psyperm.narod.ru/K1.htm> [accessed 25 January 2016]
- Said, E. 1978. *Orientalism*. New York: Pantheon.
- Schmidt, V., and T. Shchurko. 2014. "Children's Rights in Post-Soviet Countries: The Case of Russia and Belarus." *International Social Work* 57(5): 447-458.
- Schmidt, V. 2014. "Sentenced to Turbulence: Ideas and Institutions of Child Protection in Post-Soviet Space." In Schmidt V., Iarskaya, E., Chernova Zh. (eds.) *Family and Childhood Policies in Post-socialism*, pp. 13-35, Moscow Higher School of Economics.
- Spivak, G. 2003. *Death of a Discipline*. New York: Columbia University Press.
- Stephens, S. 1995. *Children and the Politics of Culture*. Princeton, NJ: Princeton University.
- Thelen, K. 2009. "How Institutions Evolve: Insights from Comparative Historical Analysis". In J. Mahoney and D. Rueschemeyer ed., *Comparative Historical Analysis in the Social Sciences*, pp. 208-240. New York: Cambridge University Press.
- Viruru, R. 2001. *Early Childhood Education: Postcolonial Perspective from India*. New Delhi: Sage.

