

## Children and institutional care in Kazakhstan: a cultural and historical background

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**Abstract.** The institutionalisation of children in Kazakhstan is the inevitable outcome of the crucial political, social and economic changes in the Kazakh steppe. The great famine, political repression, forced migrations and World War II which all featured in the first part of the last century gave rise to a phenomenon unknown to the Kazakh nomadic people prior to their inclusion in the Soviet Union, that of large numbers of street children. This paper explores the cultural and historical background of the care of children in Kazakhstan in three different time periods: prior to, during, and after the Soviet Union. The social construction of the phenomenon of street children in Kazakhstan took about a century. By tracing and comparing the features of each period, we can identify the unique reasons, which have led to the institutionalisation of children in Kazakhstan, and then their deinstitutionalization. The tribal background of Kazakh society is a cultural aspect that may play an additional role in favour of the family care of children left without parental care.



**Keywords:** Kazakhstan, tribe, nomads, orphans, institutional care, deinstitutionalisation



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### Introduction

Kazakhstan as an ex-Soviet state inherited as part of its soviet legacy, a whole set of practices related to child protection and care [1]. In particular, and in accordance with its soviet legacy, institutional care in Kazakhstan remains as the key resource when a child needs the state's protection [2], and when there is no family relative willing to take the child deprived of parental care under the guardianship. According to official data of The Committee for the Protection of Children's Rights, as of 1 July 2018, out of 20,342 children deprived of parental care and placed in the family environment, 18,194 or almost 90% were under guardianship. Fostering is not developed in Kazakhstan, while most children deprived

of parental care are placed in kinship care. During the first two decades following Kazakhstan's independence from the Soviet Union in 1991, social issues did not receive much attention from the government or from civil society activists since economic and political changes in the country were considered the priority. In 2010, UNICEF in Kazakhstan revealed serious child abuse cases in institution for children deprived of parental care and provided evidence that every second child in such institution experiences violence and abuse [3]. It can be argued that this finding by UNICEF was the starting point for a reform in the child care system in Kazakhstan that is still in progress. The emergence of these reforms show that Kazakhstan has started on its own unique path out of its inherited soviet legacy taking

into account a distinct cultural and historical background to child care in the pre-Soviet time of the Kazakh people that was in favour of kinship care.

Reconstruction of the historical context that underlines and explains the changes concerning the dissertation topic is a common path for a student writing a legal dissertation [4]. It is a historical study within socio-legal doctoral research that reinterprets the past on the childcare within Kazakh population to better understand the importance and implications of the present childcare system in Kazakhstan. Historical scholars often call Kazakh as Kyrgyz, while Russian colonization is often meant collectivization [5] so that it is not straightforward when exploring the impact of Russian colonization policy on the Kazakh family culture. Contextualisation of the issue enables the author to demonstrate from the Kazakh cultural and historical perspectives identifying why family-based care for children deprived of parental care has specific significance in the Kazakh context.

This study explores the treatment of children in Kazakhstan from two centuries ago up to the present day, which embraces three periods: pre-Soviet, Soviet, and post-Soviet. The pre-Soviet period embraced the time until 1925, the Soviet period includes the time of the United Union until it collapsed in 1991, and the post-Soviet period includes the period from 1991 to 2019. The pre-Soviet period of Kazakh family structure is notable due to the nomadic–pastoralist society that is based on tribal structure and unwritten customs. The Soviet and post-Soviet periods are different due to the state regulation and intervention with some revival of Kazakh culture in contemporary Kazakhstan. The pre-Soviet history aims to show the childcare provision for children deprived of parental care within the Kazakh nomadic society, the Soviet history of Kazakh explains how childcare provision changed in the Kazakh society under the Soviet authority intervention, while the post-Soviet history investigation was limited by an explanation why it remains as it was during the Soviet time.

## Materials and methods

The study aims to address the research question on the reasons why institutionalization became and remains the main solution in Kazakhstan for the accommodation of children deprived of parental care. For the sake of this study, the author applied a semi-systematic literature review and document analysis as a research method [5]. It is the historical overview of the research topic based on the critical analysis of the secondary literature and some primary sources (e.g., law). It enables better understanding of controversial child treatment within the Kazakh society in the past and in the present.

This study is part of legal doctoral research where socio-legal approach was applied. Socio-legal approach allows to study law in action and see the research issue from the different angles [4]. This approach was selected because the problem of institutionalisation of children has not appeared in one day due to one reason. Socio-legal approach made possible an analysis of how political, social, and economic aspects influenced the family and child treatment at different times in Kazakhstan [4]. All findings were correlated with the Children's Rights standards and the principle of the best interests of the child [6; 7].

Depending on the time explored the different search words applied (e.g., orphans, family life of Turkic nomads, Kazakh (Kyrgyz) family culture, orphanages, independent Kazakhstan). More empirical literature was used for the study of the pre-Soviet and the Soviet period of Kazakh family and child treatment history while for the post-soviet period the sources were added by the primary source (e.g., law) and grey literature such as the reports of the official bodies of Kazakhstan, UNICEF, and the Human Rights Commissioner in the Republic of Kazakhstan. The 'snowball' method of looking at the recent articles on Kazakh families or cultural matters provided extra literature. Both law and practice were analysed simultaneously in order to give a more complete picture of family and child treatment within Kazakh society during the different periods.

Since most of the literature and primary resources are in Russian or Kazakh languages, the English university's library was not of much help. Therefore, two strategies were applied depending on the language. English-written literature was searched online by applying search words in the university library search and Google Scholar, and the Russian and Kazakh literature by applying search words via online and manual search in the open access libraries, including the Russian State Library in Moscow and the National Academic Library of the Republic of Kazakhstan in Astana. It is more likely that some of the literature was missed because this study was a part of wider research, and there was limitation in time to travel for further and thorough search for hard-copy books and articles in the libraries.

## Results

### Evolution of childcare in Kazakh society

#### *Pre -Soviet family structure of Kazakh society*

Kazakh families of pre-Soviet Kazakhstan were part of the Kazakh clans that in turn formed the Kazakh society. The family structure patterns, and clan membership reflected the economic routine of nomadic Kazakh society in the Kazakh steppe. It was a tribal society where each family relationship mattered to the entire society. The Kazakh nation was formed during the fifteenth and sixteenth centuries by bringing together nomadic people living on the territory of the modern Kazakhstan [8].

This tribal division is rooted in the way Kazakh people lived as nomads during the time of the Mongolian *uluses* (Mongolian states) when each tribe occupied a certain territory. Nomadic pastoralism was the key production system in the Kazakhs steppes where the family's wealth was measured by their livestock, which included a variety of animals including horses, cattle and sheep [9]. Thus, the family and treatment of children had to align with the nomadic –pastoralist way of life and tribal society [9]. This lifestyle and social structure lasted until the

nineteenth century when Kazakh people had to change their social organisation due to land oppression from the Russian Empire [9] remained the same until 1925 and were mainly regulated by tradition, the customary law *Adat*, and to some extent by Muslim law – *Sharia*. The promotion of the provisions of *Sharia* was in favour of colonizing Russia which used religion as a tool to manipulate the masses [10]. Family and marriage matters, until the Soviet intervention in the early twentieth century, remained the objects of regulation first by *Adat*, and then, *Sharia* [11].

The Kazakh family of the pre-Soviet time was patriarchal and similar to the Roman patriarchal family during the period of the Law of the Twelve Tables [11]. In other words, the father of the family ruled over the rest of the members of the family like in the Western side states. In Kazakh society the gender of the child had a crucial role in the future of the family. For example, Kazakh people would say 'having a son gives you a horse, having a daughter gives you food' – in other words the labour of a son would provide livestock for the family while the marriage of a girl would provide food [12]. Another expression explains the attitude to girls. Kazakhs used to say 'congratulations with forty seven' on the birth of a girl because in the future the father would receive '*kalym*' (payment) equal to forty seven items of livestock on her marriage [12]. The soviet- scholar Fucs criticised this treatment of children as property [12].

In contrast to Fucs [12], the post-soviet Russian scholar Stasevich [13] speaks positively about Kazakh people in their role as parents. For example, according to *Adat* it was obligatory for parents not only to raise their children, but also to marry them, providing separate households for their sons and dowries for their daughters [5]. The upbringing of the children was done in traditional way according to their gender where the father was in charge of his sons upbringing, and the mother was responsible for educating her daughters [14]. The father would not intervene in the relationship between mother and daughter unless it related to marriage, which could be arranged by the father dur-

ing the childhood of his daughter. Such an arrangement meant that the daughter had to marry the man of her father's choice, but the father's power over the daughter was limited after her marriage [15; 11]. The relationship with sons was different. Although the power of the father was less after his son's marriage, the son still had to listen to his father [15]. For example, *Adat* stated that sons had to care for their retired parents. This in particular related to the youngest son of the first wife who had to stay with his parents and look after them even after his marriage.

Thus, *Adat* guaranteed not only the care of children by parents, but also of the parents by their children, specifically the sons. Many family traditions that are still in practice in Kazakh society from the birth of the child till the death of the member of a family [16]. Thus, the removal of the family ties for the Kazakh child implies deprivation of the community support provided by the extended family. The pre-Soviet Kazakh society prevented such hardship due to its tradition of keeping children deprived of parental care within the extended family on the father's side [5].

#### *Guardianship*

According to general practice and *Adat* children remained looked after within the extended family until a boy became an adult at fifteen years of age and when a girl married [5]. This practice reflected paternal authority in family relationships within Kazakh society. It ensured that children 'belonged' to a particular tribe and the preservation of property [11]. *Adat* obliged the guardian to treat a child the same way as his or her father would do if he was alive, including looking after the family property (livestock mainly) as their own, the allocation of sons into separate households, arranging of the marriage of daughters to good families and the provision of dowries [5]. The child's guardian could be changed when the oldest child from the family reached adulthood (15 years) and took on the charge of his younger siblings and consequently the his parents' property. In addition, according to *Adat*, children had a certain degree of au-

tonomy and were, for instance, able to ask the elder members of the family (not the guardian) to change the guardian to someone else within the extended family [5]. This was possible in cases where a child reached eight years of age and when the guardian who was looking after the child abused the trust in relation to the family property. The accusation in such abuse by the guardian had to be confirmed by other relatives.

#### *Adoption*

Apart from guardianship, Kazakh people also practiced adoption. For example, the genealogy of the *Naiman* tribe shows that one son (Elata) in this family was adopted and as evidence says, 'the claim of the adopted son's line to descent from the eponymous ancestor was not impaired by the fact of adoption'. Adoption could happen when the family was not able to have their own child or when a poor family could not look after their children and agree on the adoption of some or all of them. According to *Adat* adoption was allowed only between relatives [5]. In order to adopt the child, there should be an agreement between the adoptive father (and his wife) and the biological father (or another empowered man from the family) [5]. Usually, adoption was practiced in regard to children younger than five or six years of age, but an exception was made in the case of older boys who could be adopted by an uncle. In this case, according to *Adat*, the child's permission needed to be sought before such an adoption took place. Adoptive parents took on responsibility for the child in the presence of two witnesses or relatives at which point the child left the parent's *yurt* (nomadic home) and stepped into the *yurt* of the adoptive parents. Adopted children could take on the name of the new family, but also could come back to the original family in their adulthood with the right to share of the original family property.

Overall, it might be concluded that the customary law and traditions of Kazakh people in pre-Soviet time operated largely in favour of the child's long-term interests. Residential, institutional settings for childcare in the Kazakh steppe were impossible due to the nomadic lifestyle of Kazakh people.

Children deprived of parental care were not abandoned and their fate was strictly regulated by traditions and *Adat* ensuring care within the extended family. Children were valued as the future generation of the clan. Remaining within the family, the child benefited from the family environment, food, defence, and the preservation of their tribal and community membership [17]. From the contemporary point of view and Children's Rights theory, *Adat* ensured the interest of the child of being raised in a family, the right to survive, and the right to be heard.

### ***The Soviet transformation of the Kazakh family and the institutionalisation of children***

The transformation of the Kazakh family and the institutionalisation of large numbers of children were the outcomes of the great interest of the Communist party in the natural resources of the Kazakh steppe, the political regime of the Communist party, and the upheavals of World War II.

#### *The transformation of the extended family structure to the nuclear family unit*

The land reforms, settlement of people and industrialisation of the territory of the Kazakh steppe started with the Russian colonization [9] and continued during the Soviet period [11]. These resulted in the breaking up the traditional clan-based family culture in favour of the individual nuclear family. As discussed above membership of and strong ties to a Kazakh family, clan and tribe relationship underpins the territorial divisions that enabled the nomadic lifestyle. The land of each tribe was its unwritten inheritance and its property, a system that operated according to an oral agreement between the Kazakh peoples.

During the Russian colonization, some territories were taken from the Kazakhs for Russian settlements so that Kazakh people were forced to change their traditional migration paths. Although Russian settlements caused significant limitations in the summer and winter pastures of the Kazakhs [9], they could still live as before as a nomadic society due to the lack of interest of the

Czarist administration in family matters of the Kazakhs. However, since land use and family life were strictly interrelated in nomadic society, land oppression and the limitations imposed by the Russian colonization became the starting point of individualisation among Kazakh extended families.

The Communist party used the land oppression of the Russian colonization against the Czarist administration and contributed to the liberation revolutions in the territory of Kazakhstan [11]. However, after the collapse of the Czarist administration, the Soviet authorities started its '*collectivism*' reform also taking the land from Kazakhs promising equality for every citizen. The leaders of the Communist party saw great potential in the Kazakh territory due to its natural and human resources [12, 1]. The industrialisation process was inevitable and required the restructuring of Kazakh society, including its patriarchal, feudal, and tribal relationships. Unlike the Czarist administration, the Soviet authority conducted reforms against the feudal class among Kazakhs taking their livestock and undermining interdependent family relationships within the tribe [18; 9]. Hence, the Communist party's reforms, including the collectivisation and dekulakisation policies [18] destroyed Kazakh social networking that was based on such elements as land, pastoral production, *Adat*, traditions and tribal connections. The cost of these changes was the emigration of some wealthy Kazakh families to neighbouring countries such as China, Mongolia, and other countries [11; 19], and the death of roughly half of the rest from famine and diseases during the four years from 1930 to 1933 [18].

Such famine or the *dzut* (translated as livestock death) happened in the Kazakh steppes regularly since the land was taken by the Russian Empire [20]. However, the described above famine was the biggest famine in Kazakh society that left evidence in remarkable human loss within Kazakh [20; 21]. From a contemporary point of view, these actions of the Communist party in the Kazakh steppe might be regarded as the genocide of an indigenous people, who found themselves following the reforms as a



minority on their own territory who suffered a catastrophic loss of identity, traditions and culture [18].

In regard to family matters in the Kazakh steppe *Adat*, Sharia and traditions were openly in use until 1925 [19]. This practice changed due to the intervention of the Communist party as part of the large-scale reform that aimed to abolish the patriarchal family structure in Russia [11]. Following these interventions into family matters, Kazakh families could not even make the surname of their children using their father or grandfather's name and adding the suffix 'uly' (son) or 'kzy' (daughter), which identified the tribal belonging. According to the Soviet authority ideology family matters needed to accord with the social and economic reforms of the state.

The large-scale disappearance of *Adat*, *Sharia* and traditions took approximately fifteen to seventeen years [11; 19]. People in rural areas, who did not know about the new rules and laws, continued to practice *Adat*. The Decree "Regarding the separation of the church from the government and schools" (1918) and the Code of laws about civil status, marriage, family and guardianship rights (1918) were among the first legal acts that set out the regulations regarding monogamy, voluntary marriage, and the equal rights of spouses in the family and society [11]. The Decree of the Presidium of the Supreme Soviet of the USSR (1944) and the Code on Marriage and Family of the Kazakh SSR (1969) were additional legal acts of the Soviet authority that contributed to the strengthening and support for mothers and their health providing equal rights to divorce, property, health provision, and maternal leave. Overall, the legal framework and Soviet policies forced the abandonment of the traditions of Kazakh society.

The Soviet authority did not limit their policy in regard to family transformation to legal provisions. It was important to make sure that women became part of the labour force. Therefore, for the liberation of women from domestic affairs, the authority opened public canteens, nurseries (usually

for children up to two years old) and kindergartens (for children up to six or seven years old) [11]. The mother's and child's health was ensured through maternal institutions that were also established in Kazakhstan as part of the state's policy [11]. In spite of the resistance of the remaining Kazakh men to Kazakh women's involvement in the state's work, the Soviet authority made sure that the Kazakh women were involved in industry and agriculture [11]. These measures were introduced as constituting the liberation of women and ensuring gender equality, but in fact Kazakh women did not have a real choice. Due to the strict socialist ideology regarding participation in the labour force for everyone's welfare, those people and their relatives who refused to work could be publicly humiliated and/or prosecuted [22]. After World War II, the role of women in industry and agriculture expanded due to the huge loss of men during the war and many women headed single parent families to raise the new generation of the Soviet Union.

#### *The institutionalisation of children*

The institutionalisation of children of different nations, including Kazakh, in the Kazakh territory was the inevitable consequence of the great famine, the Communist and totalitarian regime, forced migrations and World War II [23; 24]. Almost half of the Kazakh population or approximately 1,750,000 - 2,020,000 died because of the violent and repressive policy known as a collectivization policy that was conducted for almost ten years from 1926 to 1937 [25]. Lots of unaccompanied Kazakh children appeared in the streets due to the loss of family, livestock, homes, grazing pastures, and land [26]. But the flow of children continued as an outcome of the following political repression (1931-1945) of the Soviet authority across the entire Soviet Union. These were children of 'enemies of the people' who were imprisoned in the Karaganda Forced Labour Camp (Karlak) and Akmolinsk Women's Forced Labour Camp (ALZHIR) [27; 28]. According to information in open access resources, Karlak hosted over one million people [29], while ALZHIR became the pris-

on for 7,224 women of 62 nationalities [28]. According to official data preserved in the museum of ALZHIR, 1,507 children were born and brought up by their mothers in this camp [28].

The next big influx of accompanied and unaccompanied children into the Kazakh territory happened during World War II, when the Soviet authority evacuated people and industry to Kazakhstan. As it stated on the Qazaqstan Tarihy website (2016), this state policy constituted the forced migration of people and children of such ethnic groups as Germans, Koreans, Ukrainians, Latvians, Poles and others.

The exact date and background of the establishment of the first institution in Kazakhstan were not found due to the limitations in resources and the scope of my research. However, the evidence shows that institutional care in Kazakhstan was provided in the same way as in the rest of the Soviet states [1]. It is also a known fact that the practice of the large Soviet-style institutions drew upon the practice of the children's homes that existed during Czarist Russia [23; 1]. Therefore, it might be concluded that due to nomadic lifestyle there were no institutions for children until after the 1920s in Kazakhstan, and their appearance is linked to the industrialisation of the region and the destruction of Kazakh family relationships by the Soviet authority.

Although orphanages helped street children to survive, these institutions also were designed for manufacturing the 'New Soviet People' [30]. An institutional environment was ideal for the implementation of the Communist party's ideology and related values. For example, brainwashing targeted children of the 'enemies of the people', or street children whose behaviour was inappropriate such as alcohol misuse, periods of imprisonment and parasitism (unemployment) [30]. Soviet ideology that promoted labour for the state, equal income and obedience to authority was also propagated in educational organisations through the teaching programs for ordinary children and young people in nurseries, kindergar-

tens, schools and higher educational institutions. For these activities, the Community party established and empowered the activities of child and youth unions such as the *Little Octobrists*, *Young Pioneers* and the *Komsomol* [23]. Hence, across the Soviet Union, according to the Soviet ideology the role of the family declined in the light of the priorities of the state.

The Soviet Union intervention into family matters contributed to the social construction of negative stereotypes about children deprived of parental care. As discussed, institutions for children emerged due to the increased number of street children after the great famine, repressions and World War II. The institutions were used as the re-programming machine of street children into 'the soviet man' who will obey and work for the state's interests. Therefore, the perception of those institutions was as places which housed children who were in some way lacking or defective. In addition, in the Soviet Union era, parents who gave birth to children with disabilities were encouraged to abandon their children. In this way, parents were free from the burden of having to look after these children and could continue to work for the state. In spite of the existing knowledge of child development at that time, it seems that the emotional wellbeing of children in the Soviet period was totally ignored [31; 1]. The Soviet parents got used to the state's provision for children and in some ways the institutions were considered positively since children in such institutions are guaranteed food, books, health care, education and extra classes like dancing and singing. This belief enabled the practice of the abandonment of children to the state to continue [1]. The reality of institutional care, including poor conditions in the majority of institutions for children (*detdom*), the sexual, physical and emotional abuse of children, and the violation of their rights and interests, was revealed only after the collapse of the USSR [3; 31; 1]. This requires the state to transform state care and reform institutional care. The institutionalisation of children in the Soviet Union was a social phenomenon that served the political, social and economic interests of the Communist party.

### ***Post- Soviet Kazakhstan and tribes***

Formalism and tribalism are two key characteristics of family relationships in the post-Soviet Kazakhstan. The former refers to the family policy of the state through its policies and bodies that though they are set out in formal documents have largely not been enacted and therefore have not contributed to improvements or the strengthening of families. The latter refers to family traditions of the Kazakhs that were preserved partially during the Soviet time and re-emerged after the Soviet Union's collapse. In other words, until recently, the nation had to deal with their family issues by themselves, by applying social norms based on traditions. The situation has had a tendency to change due to some pressure from international NGOs and the state's obligations to comply with international standards and conventions, including people's welfare and the strengthening of gender equality and family policies. However, this is not the only reason for the forthcoming changes; social tension because of family poverty is another significant phenomenon that has drawn the state's attention to family matters.

#### *Formalism of Kazakhstani family policy*

It is worth noticing that since obtaining independence in 1991 after the Soviet Union collapse and up to 2016, Kazakhstan had no written state family or children policy. Instead, family matters were mentioned by the President of the state in "The Strategy for Development of the Republic of Kazakhstan until the year 2030" according to which the institutions of marriage and family had to be developed (Official website of the President of the Republic of Kazakhstan 1997). Namely, the Strategy stated:

As a matter of fact, I submit to public judgement a proposal of imposing a tax on those unwilling to have children, having in view the subsequent allocation of these assets in support of families with many children. On a local level too, it is necessary to look for new ways and means of supporting families, pregnant women and children. Indeed, we have to thoroughly consider the issue of the eventual improvement of the institutions of

marriage, the family, and that of unmarried mothers. If we claim to be a society of high morals, we have to toughen mutual matrimonial responsibilities, primarily those to children. When parents care for their children and children, when grown up, for their aged parents, when women command respect in the family and in society, then we may be sure of our country. After all, these principles were from time immemorial inherent to the Kazakhstani, they must be restored and cherished (2017).

From this extract one thing only was achieved fully which was an increase in the birth rate. The rate of births in Kazakhstan from 1997 to 2019 increased almost 4-fold from 72,218 to 269,575 per year [32]. The rest of the initiatives such as family and child support, mutual matrimonial responsibilities, respect of women in the family, supporting parents, remain to be implemented. Formally, in 1998 the President set up the consultative and advisory body in his administration called the National Commission for Family and Women's Affairs. According to Official website of the President of the Republic of Kazakhstan the media the known results of this President's consultative body are the development and approval of the Strategy of gender equality 2006-2016 (2005), the establishment of the department of internal affairs that works on protection of women from violence (1999) and of a Family Day (1st of March, since 2013), and the annual national competition '*Mereily otbacy*' (translated as glorious and happy family) (since December 2013). Although, some might consider these activities of the state as family policy, there are scholars who argue that all these activities cannot be viewed as a coherent family policy [33].

Formalism in regard to family matters might also be observed from the abolition of the "National Action Plan for Strengthening Family Relations, Moral and Ethical, and Spiritual and Moral Values in the Republic of Kazakhstan for 2015-2020" a year after it was approved. It was decided to reformulate a national plan on family with a policy that also includes gender issues as inevitable links exist between these two matters.



Hence, in December 2016 Kazakhstan approved its "Concept of Family and Gender Policy of the Republic of Kazakhstan until 2030" and following in March 2017 - Action Plan for the implementation of this policy. According to the implementation plan, half of planned activities out of fifty-four which were initially in the plan, were not funded at all. For example, the plan announced a set of activities aimed at the deinstitutionalisation of children, namely:

To intensify the work on creating a regulatory framework for the transformation of educational organizations for orphans and children left without parental care into centres for supporting families and children in difficult situations in life, preparing potential parents for the admission of children to families; continue the disbanding of orphanages, and the creation of foster families (2017).

According to the Kazakhstani government, these activities do not require any funding and possibly assume volunteer work. Hence, there is much concern, raised by practitioners, about the transformation of institutions due to the lack of rigour and thoughtful policy. One instance is the worrying incidence of children returned to institutions by ill-prepared foster and adoptive families. At the time of writing this paper (2019), the majority of children in institutions (82.4%) were 'social orphans' because they have alive parents with whom they were separated [34]. As Legrand [2] argues, these social orphans are mostly separated from their families in post-Soviet states due to the poverty of parents and the lack of social protection means and services for families and children in the region.

The purely formal approach of the state to family matters contributed to social tensions that emerged in 2019. The increase of the birth rate apart from demographic growth also demonstrates the level of poverty. According to statistics, around 405,600 families in Kazakhstan, including 1,302,500 children live below the poverty level. In other words, 21.1% or one-fifth out of the child population in Kazakhstan live below the poverty line. On 7 February 2019 women who live

in poverty went into the street to protest against the low levels of existing state support. This women's protest was triggered by a tragedy in the capital of Kazakhstan - Astana that happened on 4 February 2019: five girls -siblings (born in 2006, 2008, 2013, 2015 and 2018) died during the night from a fire caused by a coal furnace (Tengrinews 2019). The sisters died while both parents were at work. This tragedy, and the following social protests of mothers, surfaced problems of families in poverty. According to UNICEF, the levels of poverty, inequality and the lack of preventive measures have given rise to the large numbers of the children in institutional care in the post-Soviet region [2].

The state encouraged people to have more children but underestimated the outcome of such a demographic rise. An interesting observation that along with the above social crisis, the entire Government and the first and only President Nazarbayev Nursultan resigned almost simultaneously [35; BBC 2019].

#### *Tribalism of Kazakhstani society*

As in pre -Soviet Kazakhstan, preserved traditions and orally transmitted social norms, tribal and kinship ties, became fundamental and unwritten elements of the Kazakh social construction after the Soviet Union collapse [36]. According to Stasevich's study of family life among the Kazakh people, 'the strength of kinship turned out to be stronger than economic transformation' [36]. The importance of family ties for a child in Kazakh society has its cultural justification in the context of the revival of Kazakh culture after the collapse of the Soviet Union. The realization of the child's right to know his origin and the child's right to be raised in a family corresponds to the pre-Soviet and post-Soviet cultural aspects of the Kazakh people in tribal affiliation.

Tribal belonging in the contemporary Kazakhstan is crucial in regard to career and marriage. The former might be clearly seen from the career of family members of the first president's family Nursultan Nazarbayev [10]. The analysis of the places where from the key politicians from the central au-

thorities demonstrate that 69% of them are from the southern regions and 41 % from the Almaty region where from the former and current presidents are. Therefore, if no tribalism there is evidence of loyalty to the people from the area of origins of the key politicians.

Regarding marriage, exogamy up to seven generations remains in practice in Kazakh families so that it is not allowed to be married to a relative until the 'seventh knee' unlike other Muslim communities who practice marriage between cousins. Kazakh families keep notes on their tribal tree (the names of fathers, grandfathers and so on over generations, and clans inside the tribe) in order to avoid marriage and childbearing between relatives. Hence, tribal belonging is crucial for the child's long-term interests while the deprivation of family ties in a tribal society is particularly harmful. As discussed above, Kazakh families not always, but most of the time, take the child of their relatives, where required, under their care (90% of children deprived of parental care are under the guardianship of their relatives (kinship care)).

Like in the majority of nations across the world, Kazakh family support does not end with reaching adulthood. There is lifelong mutual support. Therefore, family ties and a sense of belonging accompany people throughout their lives, help each member of the family to be appreciated and through the family unit each person builds their own social network and confirms his or her ethnic identity [36]. At Kazakh gatherings, the opening question in a conversation is often: What is your ru (tribe)? Consequently, among the Kazakhs, the lack of any knowledge of which tribe a person belongs to can mean the lack of family and social support during their lives.

## Discussion

This brief examination of Kazakhstani history and culture demonstrates that the institutional care of children (in orphanages) stands in stark contrast to the social norms of Kazakh tribal society where the child

is appreciated as a future member of the coming generation of their tribe. The soviet scholar Fucs [12] criticised the practice of the pre-Soviet Kazakh people on guardianship and adoption for the exploitative characteristics of such practice. However, this stance might be explained by the Soviet Union ideology that above all was focused on labour and considered all matters from this exploitative aspect. As it was discussed earlier in this paper, the Soviet authority used to criticise the politics of the Czarist administration in regard to land deprivation, the patriarchal family structure, and the exploitation of women, but as the analysis shows, this Soviet authority did the same. Namely, it took on role of the 'father' for all, like in a patriarchal family, took the land from Kazakh nomads, and forced women to participate in labour for the state's interest. Therefore, the argument of Fucs [12] is politically correct for that time, but as later studies show Kazakh people were good parents and their main value was the family ties [10; 36]. The evidence of children's welfare in Kazakh society is visible from the rigorous practice and traditions related to children, including the well - regulated practice of custody and adoption. Children deprived of parental care in pre-Soviet Kazakh society were never abandoned and remained within the extended family who looked after them. This practice correlates well with the contemporary view of the best interests of the child promoted by United Nations (UN) documents, including the UN Convention on the Rights of the Child and the UN Guidelines for the alternative care for children (2010). Hence, though it still has a similar child protection system as other post-Soviet states, Kazakhstan is in a good position to follow its own path out from the practice of institutional care, taking the lessons from its own history, culture and traditions that favour kinship care.

The deinstitutionalisation of children in contemporary Kazakhstan is a matter of political will and adequate human and financial resources [2]. So far, the political will is not consistent, due to the absence of a relevant policy. Consequently, there are no resources for the transformation of institutions for children and recruiting foster families. Despite social tensions and high level of pov-

erty, structural transformation has not been undertaken and nor has money been allocated toward the development of family support and preventive social services. The levels of poverty and the lack of a strong political will works against the traditional child care, so that 5,006 children remain in institutions [37]. However, due to the significance of family ties in Kazakh society and the existing practice of kinship care of the pre-Soviet Kazakh society, there is a great opportunity to promote kinship care. The missing piece for this puzzle is the political will. In this context the role of NGOs that keep raising the awareness of negative outcomes of institutionalisation for children might be crucial in forcing the President to produce a workable and sustainable deinstitutionalisation policy. The latter implies resources and well thought out plan that minimises the harm to children and prevents family and child separation and enables their reunion wherever.

This historical study was the prerequisite of the doctoral research about the implementation of the child's right to be raised in the family in contemporary Kazakhstan. Therefore, this paper is limited in discussion on how childcare is provided in Kazakhstan in the present day as it discusses in the rest of the doctoral thesis.<sup>10</sup> Regarding contemporary childcare in Kazakhstan, this paper answers the question of why it remains as it was during the Soviet Union.

This study might be of interest to scholars interested in childcare provision in Central Asian nations, and post-Soviet states, and to policy evaluators who conduct their studies about the problem of the institutionalization (deinstitutionalization) of children in the Central Asian region

## Conclusion

This paper demonstrates the direct impact of the political, social, and economic changes in Kazakhstan on changes to family relationships [19]. Namely, the value placed on family and the nature of the family structure is transformed in the context of the economic, political, or social situa-

tions depending on the interests (or lack of such interest) of those in power (the Czarist administration, the tribal leaders in the nomadic society, the Soviet authority, the president of independent Kazakhstan Nursultan Nazarbayev (1991-2019)). Family traditions and networks that helped people to overcome crises in different historical periods, including the perestroika of the nineties, might also be helpful in regard to the deinstitutionalisation of children. In present Kazakh society, family ties and tribal identity are crucial parts of adult life, especially concerning building careers and marriage. The unique path out of inherited soviet legacy of institutionalisation of children for Kazakhstan is to encourage people to take on the care of the remaining children still in institutions, according to the kinship care practices of the pre-Soviet Kazakh nomads. The significance of family ties for a child's future in adulthood should be emphasised in the deinstitutionalisation policy of Kazakhstan that goes in line with the Kazakh culture where it is common to start a conversation with the question: what is your 'ru' (tribe)?

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## Дети и институциональный уход в Казахстане: культурный и исторический контекст

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**Аннотация.** Устройство детей, оставшихся без попечения родителей в институциональные учреждения в Казахстане является неизбежным результатом значительных политических, социальных и экономических изменений в казахской степи. Великий голод, политические репрессии, вынужденные миграции и Вторая мировая война, которые имели место в первой половине прошлого века, породили явление, неизвестное казахскому кочевому народу до его включения в состав Советского Союза – большое количество беспризорных детей. В данной статье исследуются культурные и исторические предпосылки институционализации детей в Казахстане в три различных периода времени: до, во время и после распада Советского Союза. Социальная конструкция такого феномена как беспризорные дети в Казахстане заняла около века. Прослеживая и сравнивая особенности каждого периода, мы можем выявить уникальные причины, которые привели к институционализации детей в Казахстане, а затем к их де-институционализации. Кочевое прошлое и социальная организация казахского общества в соответствии с разделением согласно принадлежности к определенному племени и Жүзу, может послужить дополнительной ролью в де-институционализации детей в Казахстане и развитии семейных форм устройства детей-сирот и детей, оставшихся без попечения родителей.



**Ключевые слова:** Казахстан, племя, кочевники, дети-сироты, институциональный уход, де-институционализация



## Қазақстандағы балалар және институционалдық күтім: мәдени және тарихи негіз

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**Аңдапта.** Қазақстандағы институционалдық мекемелерге ата-анасының қамқорлығынсыз қалған балаларды орналастыру қазақ даласындағы елеулі саяси, әлеуметтік және экономикалық өзгерістердің нәтижесі болып табылатындығы сөзсіз. Өткен ғасырдың бірінші жартысында орын алған ұлы ашаршылық, саяси қуғын-сүргін, мәжбүрлі көші-қон, сонымен қатар екінші дүниежүзілік соғыс секілді тарихи кезеңдер қазақ көшпелі халқында Кеңес Одағының құрамына енгенге дейін белгісіз құбылысты – қараусыз қалған балалардың көп санын тудырды. Бұл мақалада үш түрлі уақыт кезеңінде: Кеңес Одағы ыдырағанға дейін, оның барысында және Кеңес Одағы ыдырағаннан кейін Қазақстандағы балаларды институционализациялаудың мәдени және тарихи алғышарттары зерделенеді. Қазақстандағы қараусыз қалған балалар секілді құбылыстың әлеуметтік құрылысы шамамен бір ғасыр уақытқа созылды. Әр кезеңнің ерекшеліктерін қадағалап және салыстыра отырып, біз Қазақстандағы балаларды институционализациялауға, содан кейін оларды де-институционализациялауға алып келген бірегей себептерді анықтай аламыз. Қазақ қоғамының белгілі бір тайпаға және жүзге тиесілілігі бойынша бөлінуіне байланысты көшпелі өткені мен әлеуметтік ұйымдасуы Қазақстандағы балаларды де-институционализациялауда және жетім балалар мен ата-анасының қамқорлығынсыз қалған балаларды орналастырудың отбасылық нысандарын дамытуда қосымша рөл атқара алады.



**Кілтті сөздер:** Қазақстан, тайпа, көшпенділер, жетімдер, институционалдық күтім, де-институционализация

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