

In Kyrgyzstan, the number of adolescents committing crimes is increasing. CABAR.asia explored possible reasons of it, what punishment children receive for offences, and whether the humanisation of legislation affected the situation.

Mother of Zarina and Zalina (*not their real names*) lost her parental rights when they were 10 and 7 years old, respectively. The girls were raised at one of orphanages in Chui region. After completion of 9th grade, 15-year-old **Zarina** was placed in vocational school with the dormitory, but the girl did not like it there. Her scholarship was not enough for a living, and she found a job at the sewing workshop with a live-in position.

When she earned enough, she rented a one-room apartment. Soon, Zarina met with her neighbour next door, who moved to another district after a while, and invited the girl to her place. In the evening, when they were saying goodbye, the woman asked Zarina to hand over a wrapped matchbox to a person as she did not want to come down from the fourth floor. Zarina unsuspectingly took the package... A task force was waiting outside, and she was detained. There were drugs in the box.



Public defender told the girl to confess everything to mitigate punishment. She obeyed him,

not understanding what was happening, and confessed. However, social welfare office was not made aware. 16-year-old Zarina spent eight months in the pre-trial detention centre. As a result, she was sentenced to 5 years with probation. The judge also imposed a fine in the amount of 50 thousand som (nearly 588 dollars).

This story was told to CABAR.asia by the expert of the Oasis Kyrgyzstan foundation, **Zhanyl Dzhumabaeva**. According to her, the judge should have understood when studying the case that Zarina was a minor and had no income or parents. Who will pay the fine? Such circumstances can again make the teenager commit a crime.

“The state has made the girl an orphan when protecting from a bad mother, but has forgotten about the child after she left the orphanage. When the child was set up, the state imposed a fine on her. Although, according to the constitution of the Kyrgyz Republic, an orphan is protected by the state until the age of 18”, she said.

Zarina is 20 years old now. During the probation, probation department officers always disturbed her and reminded that she had to pay the fine. The girl would come to Oasis in tears: she could not find a job because she did not have a passport (the orphanage failed to make it upon her graduation) and had a criminal record. The foundation paid for her accommodation, and finally this organisation repaid Zarina’s debt to the state.



Photo courtesy of Zhanyl Dzhumabaeva

“When a person comes out of the doorway and a task force is there with a camera, it means the operation is a planned one. It is wrong to improve statistical data by means of orphans. It was important for law enforcement bodies to accuse a person and close the criminal case, rather than investigate it,” Zhanyl Dzhumabaeva said.

What statistics shows

The age of criminal liability in Kyrgyzstan is 16 years old, and 14 years old for grave crimes (homicide, rape, and [other](#)).

According to the General Prosecutor’s Office of the Kyrgyz Republic, the number of

teenagers (aged 14-17 years old) who committed crimes in 2022 increased by almost 33 per cent compared to 2021.

According to **Gulnara Sheishekeyeva**, director of the “Tsentr Prava” (Law Centre) Public Foundation, since 2018 the General Prosecutor’s Office has carried out analysis of all crimes committed by children and against children. Theft is the most common crime, and the motive is often social, unintentional. In other words, poverty and need push adolescents to commit crimes. Many of them are children from migrants’ families.

According to the [National Statistical Committee](#), 40.5 per cent of children or 1 million 72 thousand people lived in poverty in 2021. Ministry of Labour, Social Welfare and Migration [reported](#) 88 thousand children of migrants in July 2022. Moreover, over 5 thousand children lived at people, who were not their relatives.

The number of convicts aged 14-17 years old by the time of the crime, according to the National Statistical Committee, is also increasing in recent years. However, this figure is still less than that in early 2000s.

It should be noted that the statistical data includes only those convicted by court rulings. It’s not just about inmates, but also about those who received sentences not related to the isolation from society.

According to **Nurzhan Adylova**, chief of the public security division of the Ministry of Interior Affairs, adolescents often receive probation and rarely placed to penal colonies.

No imprisonment

In 2019, the probation institute was created in Kyrgyzstan as part of the judicial reform and humanisation of laws. It gives a chance for correction.

Experts believe that adolescents who do not have their consciousness developed or have no life experience should not be placed into prisons with their peculiar subculture. It can change the future of the person for the worse. Staying free in probation, the convicts analyse their actions, feel sorry about what they have done and change.

During the pre-trial probation, officers of the division visit the defendant’s place of residence, study the case, gather personal details, and issue the statement on probation/no probation. Its period depends on the severity of the crime (up to five years for grave

crimes).

According to **Daniyar Moldokul uulu**, deputy director of the probation department, they deal with nearly 130 convicted adolescents of different ages per year. Now up to 70 adolescents are under probation. The statistics changes every week: some are removed from the register, others are registered.



Adolescents are a special category of persons, and trained specialists in juvenile justice work with them. Girls and boys should come with their parents or legal guardians for a preventive talk and assessment of social needs twice a month. Special rooms with a friendly attitude to adolescents have been opened in probation department offices in Chui region and Bishkek. Psychologists and officers of the agency talk to adolescents in a home-like environment.

Whenever necessary, teenagers can be assisted in enrolling at a vocational school. With support of non-governmental organisations, minors are sent to summer camps, where they undergo motivational, rehabilitation programmes.

There are no persons released on parole among the clients of the probation department. Minors are placed in correctional facility No. 14 in the village of Voznesenovka, Chui region,

for grave crimes. They do not leave on parole and get transferred to colonies for adults once they reach 18. Once there were up to 600-700 adolescents here. In recent years, their number decreased to a few dozen.

“Unfortunately, we have to deal with consequences because other state bodies failed to prevent crimes among adolescents,” said Daniyar Moldokul uulu, emphasising that most clients regret their actions later and change.

“Repeated offences happen, yet at a very low rate. For example, only 70-80 out of 24 thousand of our clients were brought to trial again in 2022, and only three such cases happened among 120 adolescents,” said Daniyar Moldokul uulu.

It does not seem much in absolute figures, but based on this data, it turns out that adolescents have 2.5 per cent of repetition of offences. It may be another reason for thinking about the existing system of prevention.

Upon completion of probation, conviction deems to be spent. Young people can work in public service, but cannot work in law enforcement.



Данияр Молдокул уулу
Daniyar Moldokul uulu. Photo by Probation Department

What the state does

According to **Gulnara Sheishekeyeva**, director of public foundation “Tsentr prava”, the new Code of Criminal Procedure dated October 28, 2021 has improved the situation of adolescents committing offences. There is a high probability of alternative punishment imposed on adolescents or their removal from the criminal justice system, she said.

The code of criminal procedure provides for the so-called one chance programme. If an adolescent commits a lesser offence, confesses it, realised it, he/she would be removed from the court system and transferred to social services for education.

What can such adolescents do in social services? They can deliver medications to the elderly, buy them food, sweep the streets, attend school, be protected from clubs or groups that committed a crime, etc. Adolescents realise they have done the wrong thing and draw conclusions via labour and preventive talks, Gulnara Sheishekeyeva said.

According to her data, 195 adolescents have been removed from the system since 2022, which means that the system is working. These adolescents are deemed as never convicted and now have one more chance. If we had not have this standard, adolescents would have faced a stricter punishment in case of repeated offence - for repeated offence.

Besides, the term “minor”, which is more related to capacity, has been changed to “child” in the Code of Criminal Procedure.

It has a good psychological effect, the lawyer said. Investigators change their attitude to the case, treat the child not like a criminal, and think how to help him/her, investigate the situation, the cause of offence more carefully.



Photo courtesy of Nurzhan Adylova

According to the ministry of interior affairs, they pay special attention to prevention of offences and crimes among adolescents. They put them on preventive registration for six months. During this period, social worker, police, school and parents try to re-educate the minor. They hold preventive talks, make up individual work plans, organise lectures in schools, and sporting contests.

“Usually children change. But if the adolescent fails to change within 6 months, we prolong the term of registration. Once they turn 18, they are removed from the register,” said **Nurzhan Adylova**, chief of public security division of ministry of interior affairs.

Who’s to blame and what to do

There are several reasons for adolescents breaking the law, according to experts: poverty, lack of activity (sport, hobby clubs), influence of the internet, social media and bad companies, lack of parental attention to their children, lack of effective prevention measures. It is wrong to think that crimes are committed by children of socially vulnerable families. There are many offenders among wealthy families.

According to Oasis, prevention of offences among children was “inherited” by Kyrgyzstan from the Soviet Union. An adolescent could be registered with the district police department for smoking in a public place, participation in a fight, failure to study, theft, and so on.

However, the crime rate does not decline and representatives of the non-governmental organisation believe that this measure is ineffective.

In 2021, Oasis Foundation implemented the project to re-socialise (return them to families, society) children who are in conflict with law. They covered 120 convicts who were placed under probation. Most of them were previously registered with police.

“It [registration with police] did not re-educate them. Vice versa, adolescents committed crimes again. It’s good to have probation institute, which saved adolescents from incarceration,” said Zhanyl Dzhumabaeva.

She proposes bodies of internal affairs to revisit their methods and keep adolescents busy with more useful activities in addition to talks. According to her, bodies of internal affairs and local governments could bind registered adolescents to attend public sports schools, public centres for children’s crafts, attend libraries and read books regularly. Moreover, art therapy rooms could be opened in juvenile inspection department.

According to Zhanyl Dzhumabaeva, punitive measures, threatening and keeping in fear will not make a person get back to study or change bad habits. Causes of such behaviour must be identified: it might be problems with parents, bullying at school, racketeering. Talks should be held in the trustworthy environment. Otherwise, children will not tell anything.

The expert emphasised that there are no bad children, there are unloved children. When they commit crimes, they want to draw parents’ attention to them. According to her, it’s not the child, but parent who failed to educate the child properly should be registered. Penalties will not help. She urged parents to think not only of child’s basic needs (food, house, clothing), but also to meet their spiritual needs. When the soul is empty, the crime is soon to follow, she said.

Gulnara Sheishekeyeva feels sure that prevention will help reduce the number of crimes. To do that, social workers must identify children in difficult life situation on time. Currently, social workers generally work with persons with disabilities and single elderly at their homes.

Now one local police officer or doctor covers up to 3 thousand people, and one officer of the family and children support department in some districts covers up to 57 thousand children.



Gulnara Sheishekeyeva. Photo: kabar.kg

“There are no qualified social workers working with children in difficult life situations and

their families at all. There are big distances between villages. In fact, social workers do not do their job,” said Gulnara Sheishekeyeva, emphasising the need to create the pool of qualified social workers to protect children.

According to experts, social service is needed to work with adolescents, where psychologists, social workers, teachers and psychotherapists would work comprehensively. So far, it is obvious that there is no efficient system of crime prevention among adolescents.



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