

# REHABILITATION PROGRAMS FOR OFFENDERS AS A TOOL OF CRIME PREVENTION IN THE KYRGYZ REPUBLIC

by

*Aigerim Azimova*

Submitted to  
Central European University  
Department of Public Policy

In Partial Fulfillment for the degree of *Master of Arts in Public Policy*  
*with a Specialization in Governance*

Supervisor: *Marie-Pierre Granger*

Vienna, Austria

2023

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## **Abstract**

This paper examines the effectiveness of rehabilitation programs for offenders in crime prevention and the policy implementation challenges occurred in the Kyrgyz Republic. The study is motivated by the Sustainable Development Goal 16, which aims to promote peaceful and inclusive societies. It emphasizes the importance of reducing recidivism rates and facilitating the social reintegration of offenders to create sustainable and inclusive communities.

The paper highlights the need for comprehensive rehabilitation programs that address the underlying issues contributing to the reduction of recidivism. It discusses the current state of the criminal justice system in the Kyrgyz Republic, including the establishment of the Probation Service. The research question explores why the policy on rehabilitation programs for offenders has failed during the implementation stage in the Kyrgyz Republic. The hypothesis suggests that the policy has failed due to the challenges traced back to the early stages of policy formulation, characterized by a lack of thorough analysis regarding the practical implementation of rehabilitation and resocialization measures, as well as the required resources. The paper aims to identify these barriers to policy implementation and proposes ways to improve rehabilitation programs for offenders.

The case study approach is used, with Kyrgyzstan serving as the focus. Lessons learned from Kyrgyzstan's experience can provide valuable insights for other developing countries in their efforts to enhance rehabilitation and probation outcomes. Overall, this paper emphasizes the significance of analyzing policy design and addressing implementation challenges to improve rehabilitation programs for offenders in the Kyrgyz Republic. By doing so, the goal is to contribute to the promotion of inclusive and sustainable societies and enhance long-term public safety through effective crime prevention measures.

## Acknowledgements

I would like to express my heartfelt appreciation to my beloved family for their constant support throughout my studies. Big thank you for always being by my side!

I am immensely grateful to my supervisor, Ms. Marie-Pierre Granger, for providing valuable insights and feedback during the writing process of this paper. I would also like to extend my sincere thanks to the Central European University Foundation of Budapest (CEUBPF) for their support in granting me a travel grant, which enabled me to conduct research in the Kyrgyz Republic. This field visit contributed significantly to the important findings. The theses explained herein represent my ideas, and do not necessarily reflect the views of CEUBPF.

I would like to express my deep appreciation for the trust and cooperation extended to me by the Ministry of Justice of the Kyrgyz Republic, the Probation Service under the Ministry of Justice in the Kyrgyz Republic, the Prison Service under the Ministry of Justice of the Kyrgyz Republic, and the Supreme Court of the Kyrgyz Republic. Their openness and contributions were indispensable to this study. I am grateful to all the interviewees who participated in this research, as each of them provided a valuable contribution. I would also like to extend my special thanks to the international experts from Japan and Norway who generously shared their experiences and recommendations for the development of rehabilitation program policies.

Last but not least, I want to express my warmest gratitude to my dear friends for their never-ending belief in me and their constant support throughout this entire process.

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## Introduction

*Did you know that a study by the RAND Corporation found that every dollar spent on offenders' rehabilitation programs saves taxpayers five dollars in reincarceration costs?<sup>1</sup>*

Sustainable Development Goal 16, part of the 2030 Agenda for Sustainable Development (General Assembly resolution 70/1), focuses on promoting the development of peaceful and inclusive societies. Its key objectives are to ensure universal access to justice, strengthen accountable institutions, and foster inclusivity at all levels of governance.<sup>2</sup> In order to achieve this goal, it is crucial to focus on reducing recidivism rates, which is key to creating inclusive and sustainable societies. One of the main ways to achieve this is by prioritizing the rehabilitation and social reintegration of offenders within the criminal justice system.<sup>3</sup> Effective crime prevention programs must not only address the immediate consequences of criminal behavior, but also work to break the cycle of recidivism by addressing the underlying issues that lead offenders to reoffend. Released offenders often face significant barriers to successful reentry into society, particularly high-risk offenders with a history of criminal behavior. One of the key factors in successful crime prevention strategies is the promotion of social reintegration of ex-offenders into their communities, accomplished through a range of interventions such as rehabilitation programs, sponsored by the justice system and community

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<sup>1</sup> RAND Corporation (2013): Evaluating the Effectiveness of Correctional Education – A Meta-Analysis of Programs that Provide Education to Incarcerated Adults, available at: <https://www.rand.org/well-being/justice-policy/portfolios/correctional-education/policy-impact.html#:~:text=%22%5BA%5D%20recent%20report%20by,%2Drelease%20of%20a%20prisoner.%22>

<sup>2</sup> Resolution adopted by the General Assembly on 25 September 2015, 70/1. Transforming our world: the 2030 Agenda for Sustainable Development, available at: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf)

<sup>3</sup> Fourteenth United Nations Congress on Crime Prevention and Criminal Justice Kyoto, Japan, 7–12 March 2021, Report of the workshop: Reducing reoffending: identifying risks and developing solutions, A/CONF.234/9, available at: [https://www.unafei.or.jp/publications/pdf/14th\\_Congress/01\\_WholeText.pdf](https://www.unafei.or.jp/publications/pdf/14th_Congress/01_WholeText.pdf)

organizations (Griffiths and Murdoch, 2007). These interventions target the specific dynamic risk factors that contribute to recidivism, such as substance abuse and unemployment, and are designed to address the unique challenges faced by different offender groups. By directing attention towards the rehabilitation and successful reintegration of offenders, these initiatives possess the capacity to reduce recidivism rates and enhance long-term public safety.

In line with this approach, the United Nations Standard Minimum Rules for the Treatment of Prisoners emphasize that the objective of a prison sentence or similar deprivation of liberty is to protect society from criminals and to reduce the rate of reoffending. In order to achieve these objectives, it is crucial that the term of imprisonment is utilized to its fullest potential in facilitating the reintegration of offenders back into society after their release. This will enable them to lead independent, law-abiding lives.<sup>4</sup>

The high prison population and recidivism rate in the Kyrgyz Republic, coupled with the failure of providing rehabilitation programs to offenders (including detainees in closed facilities and probation clients), have raised concerns about the effectiveness of the criminal justice system in promoting long-term public safety. The overall population of the Kyrgyz Republic is 6 716 491 people<sup>5</sup>, the prison population is around 8 000 people. It decreased from 11 000 after the creation of a Probation Service, which has 5829 probation clients<sup>6</sup> as of 31 March 2023. The recidivism rate of committing crimes was preliminary about 40 percent before a new criminal legislation come into force in 2019. The numbers are very high, this was one of the reasons for decriminalizing legislation and the creation of an additional institution in the criminal justice system - the Probation Service. While the creation of this institution has

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<sup>4</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), General Assembly resolution 70/175, annex, adopted on 17 December 2015

<sup>5</sup> World Population Review, 2023, available at: <https://worldpopulationreview.com/countries/kyrgyzstan-population>

<sup>6</sup> Probation Service under the Ministry of Justice of the Kyrgyz Republic, available at: <https://probation.minjust.gov.kg/ru/>



helped to reduce the prison population, there is still a need for more comprehensive rehabilitation programs that address the underlying issues that lead to recidivism.

According to the Regulation on Probation Service, the tasks of the authority include execution of criminal penalties and administrative penalties not related to isolation from society; exercising probationary supervision as well as performing the functions of compiling a probation report; study of the personality of the probation client and correction of his or her behavior, formation of a law-abiding lifestyle; ensuring the rights, freedoms and legitimate interests of probation clients; prevention of offenses committed by probation clients; and coordination of the implementation of social and rehabilitation programs in relation to probation clients.<sup>7</sup> However, in practice Probation Service in the Kyrgyz Republic is now primarily focused only on managing parole, which was previously regulated by the Prison Service. Essentially, the Probation Service just took over the functions previously carried out by the Prison Service, but aside from providing probation reports during the pre-trial stage, there were no substantial changes in the functioning and previously aimed goals. For instance, according to Paparozzi and Gendreau (2005), the New Jersey Intensive Surveillance and Supervision Program (ISSP)<sup>8</sup> for high-risk offenders led to a reduction of approximately 30 percent in the rates of recidivism in comparison to high-risk offenders who underwent traditional parole supervision (Paparozzi and Gendreau, 2005). Traditional parole supervision is not enough to reduce the crime prevention.

Therefore, in order to develop effective rehabilitation policies, it is crucial to identify and address the obstacles that have hindered successful implementation of such programs after the policy formulation stage. Regulation on Probation Service under the Ministry of Justice of the Kyrgyz Republic states that one of the goals and functions of the Kyrgyzstani Probation

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<sup>7</sup> Regulation on the Probation Service under the Ministry of Justice of the Kyrgyz Republic, as amended by the Decrees of the Government of the Kyrgyz Republic dated August 5, 2019 No. 400, December 30, 2019 No. 722, the Cabinet of Ministers of the Kyrgyz Republic dated December 24, 2021 No. 350

<sup>8</sup> Each program has its own name and targeted for a specific group of offenders

Service is coordinating the implementation of social and rehabilitation programs for probation clients and the realization of activities in resocialization of probation clients and correction of offenders' behavior.<sup>9</sup> However, the law, the regulation and internal instructions do not provide any explanation on what is rehabilitation and what exactly these programs include to correct the behavior of offenders and help them in resocialization.

The paper's research question focuses on why rehabilitation programs for offenders have failed during the implementation stage. The hypothesis is that rehabilitation programs for offenders in the Kyrgyz Republic have failed due to the challenges traced back to the early stages of policy formulation, characterized by a lack of thorough analysis regarding the practical implementation of rehabilitation and resocialization measures, as well as the required resources. The recurring problem lies in the tendency to prioritize policy writing without adequately considering the feasibility and practicality of implementation. Therefore, the study aims to determine the factors that hinder policy implementation and to find ways to improve rehabilitation programs for offenders in the Kyrgyz Republic.

The country case selection is based on a fact that analyzing Kyrgyzstan helps answer the research question by providing insights into the specific challenges faced during the implementation stage of rehabilitation programs, the impact of policy formulation on program effectiveness, and the lessons that can be learned for other developing countries striving to improve their own rehabilitation and probation efforts. The lessons learned from Kyrgyzstan's efforts can guide other developing countries in their endeavors to improve rehabilitation and probation outcomes. Considering that other countries in Central Asia region are currently in the process of implementing probation services, Kyrgyzstan can serve as a valuable reference point for them to consider and draw insights from. The method used in the paper is a case study

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<sup>9</sup> Regulation on Probation Service under the Ministry of Justice of the Kyrgyz Republic, Art.11 part 5, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/12888?cl=ru-ru>

approach, supplemented by recommendations based on international experiences, including countries such as Japan and Norway. However, before pointing out the successful programs, it is important to understand that efforts to enhance policy implementation require a thorough examination of policy design. This involves not only anticipating potential implementation challenges but also drafting policies that effectively operate in real-world settings and achieve desired outcomes. Therefore, this paper will focus on legal policy and situational analysis on rehabilitation programs for offenders in the Kyrgyz Republic, and also the factors hindering the successful policy implementation.

The research design incorporates a mixed-method approach, combining qualitative and quantitative data analysis. The aim is to examine the concept of successful rehabilitation through various indicators such as reduced recidivism rates, improved social and economic outcomes for offenders, and enhanced public safety. Quantitative data includes crime statistics, while qualitative data involves in-depth semi-structured interviews with key stakeholders such as probation staff, prison service and judiciary representatives. The literature and document review, the field visit to Kyrgyzstan, focused on analyzing official statistics, research, studies, legislation, and internal forms and regulations of the Probation Service. This comprehensive review encompassed with academic articles on rehabilitation programs and crime prevention, as well as an examination of the current state of the Kyrgyz Probation System. These methods provided a thorough understanding of the country's context and an overview of the probation situation in Kyrgyzstan which enabled the identification of significant findings and building valuable conclusions based on an empirical evidences.

## Literature review

This paper focuses on analyzing “Why the policy on the rehabilitation programs for offenders has failed during the implementation stage in the Kyrgyz Republic?” Before going into the discussion, the literature review will concentrate on understanding the concept of rehabilitation programs in the criminal justice system and their effectiveness in reducing recidivism rate, also on understanding why policies fail at implementation stage.

In order to identify the primary challenges contributing to the high rates of recidivism among released convicted people, a criminological study was conducted by a team of researchers in the field (Shapar 2017). The study focused on individuals who had served time in correctional facilities. The study revealed that the first few months after release are critical for former convicted people, as they face significant challenges in several areas. Analysis of male respondents’ questionnaires revealed that 22.3 percent struggled with housing, 14.1 percent had difficulty obtaining registration, 5.8 percent had trouble restoring identity documents, 37.7 percent experienced challenges finding employment, and 11.8 percent found it difficult to re-establish socially useful connections. Among female respondents, 30.7 percent reported housing issues, 17.8 percent faced registration difficulties, and 61.5 percent were unable to secure employment. Based on the study’s findings, three main areas of difficulty were identified for released convicted people in their first months of freedom: employment, housing, and paperwork/registration (Shapar 2017). These issues are fundamental and often interconnected, posing significant obstacles for former convicted people trying to reintegrate into society. If adequate support is not provided to released offenders, the likelihood of reoffending increases significantly. In some cases, offenders may even prefer being incarcerated to being on the outside without proper support.

Post-Soviet countries have been characterized by a punitive approach to criminal punishment. Numerous authors, including Andrews and Bonta (2010) emphasize that adding greater penalties have been unsuccessful in decreasing recidivism rate, and as a result, the correctional system has grown rapidly, putting a strain on government finances. Rehabilitation of offenders should be prioritized as a more effective approach to dealing with crime. Specifically, implementing programs based on the Risk-Need-Responsivity (RNR) model has been proven to decrease recidivism rates by as much as 35 percent (Andrews and Bonta, 2010). The RNR model outlines the ideal recipients of services (who should be treated), the appropriate targets for rehabilitation services (what should be treated), and effective strategies for reducing criminal behavior (how should it be treated) (Andrews and Bonta, 2010). This statement implies that the outcomes of correctional rehabilitation are influenced by risk, need, and responsivity factors. The program is designed in accordance with the RNR model to reduce recidivism rates by assessing an offender's risk and criminogenic needs. Based on these factors, specific treatment modules are applied to address the offender's needs, for instance substance abuse treatment, in order to decrease their likelihood of reoffending (Bosma 2016). As rehabilitation approach gained popularity in the criminal justice systems of different countries, Probation Services were expected to prove its effectiveness in achieving specific outcomes. The Risks/Needs/Responsivity (RNR) model emerged as a promising approach that shared effective practices, particularly cognitive behavioral interventions instead of punitive approaches (Canton 2012). The perspective of Rehabilitation is reflected in Offender Rehabilitation Act and aims of offender rehabilitation in the community, which is also known as "offender rehabilitation", is to offer appropriate treatment to individuals who have committed crimes. The objective is to prevent them from repeating their offenses or crimes, assist them in becoming self-sufficient and productive members of society, and facilitate their

personal growth and rehabilitation.<sup>10</sup> This approach ultimately benefits both individuals and society by protecting public safety and promoting the well-being of all people.

From another perspective, Martinson (1974) questioned whether rehabilitation in prison solely consists of education and skill development, or if deeper issues causing the offender's maladjustment should also be addressed through counseling or other methods. He also suggested that the effectiveness of rehabilitation programs in correctional institutions is uncertain and concluded that there is limited evidence to support the effectiveness of rehabilitation programs, and posed the question of whether this lack of evidence means that we have no idea how to reduce recidivism and successfully rehabilitate offenders (Martinson 1974). He criticizes the effectiveness of 231 rehabilitation programs that had been assessed over the course of the previous 30 years (Lipton, Martinson, & Wilks, 1975), due to the following factors: 1) weaknesses in program implementation and 2) bias in how these programs were evaluated (Farabi 2002). Although Martinson's use of exaggeration to prove his point can be debated, it cannot be ignored that there were many ineffective rehabilitation programs. Stephenson and Jamieson (2006) claim that the effectiveness of programs can vary and none of them guarantee complete success. In some cases, interventions may not achieve their desired outcomes due to certain offenders not being receptive to treatment. This could be due to a reluctance to take responsibility or a lack of motivation to change. David Weisburd, David P. Farrington, and Charlotte Gill (2016) point out that based on 100+ systematic reviews including evaluation of thousands of primary assessments, in the past decade, an increasing amount of evidence has accumulated which has led researchers to believe that numerous programs and practices are effective in reducing recidivism, drug use, disorder, and crime. This is simply a matter of time, nowadays we still see the prevalence of research on the underlying causes of

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<sup>10</sup> Offenders Rehabilitation Act (Act No. 88 of June 15, 2007), Art. 1, available at: <https://www.cas.go.jp/jp/seisaku/hourei/data/ORA.pdf>

crime in criminology. While it is worthwhile to investigate the broader sociological and psychological factors that contribute to criminal behavior, we acknowledge the importance of such research.

According to the example of Norwegian Prison System, Norway has the lowest recidivism rate of 20 percent (Deady 2014). There are three key factors that contribute to the success of Norway's rehabilitation-focused prison system in reducing recidivism. Firstly, studies have found that a higher level of education is associated with a lower probability of re-incarceration. Secondly, normalization of the prison environment enhances the likelihood of successful reintegration into society. Lastly, the combination of increased education and successful reintegration increases the chances of obtaining and maintaining employment after release (Denny 2016).

Despite being the first non-Western nation to modernize, Japan is known for its low crime rates too, which goes against traditional assumptions (Finch 2000; Westermann and Burfeind 1991). This trend has persisted over time and has been confirmed by data from the United Nations Office on Drugs and Crime<sup>11</sup>, which shows that Japan continues to have lower rates of major crimes compared to countries such as the US, England and Wales, Germany, and France (Bui and Farrington, 2019). However, in terms of re-offending rates in 2003, the number of reported penal code offenses in Japan reached an all-time high. Similarly, in 2006, the number of newly admitted re-imprisoned inmates peaked. Despite efforts, the percentage of re-imprisoned inmates to newly imprisoned inmates has remained high and was at 58.3 percent in 2019.<sup>12</sup> To effectively reduce recidivism, it is important to address the unique and diverse needs of each offender. Criminal justice authorities must collaborate with various stakeholders such as employment, housing, and social welfare services to ensure a smooth re-

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<sup>11</sup> United Nations Office on Drugs and Crime, "United Nations Office on Drugs and Crime Statistics on Crime", Vienna 2016

<sup>12</sup> Rehabilitation Bureau of Ministry of Justice of Japan, "Offender Rehabilitation of Japan", available at: <https://www.moj.go.jp/content/001345372.pdf>

entry into society for offenders. This recognition has led to the development of national strategies for crime prevention, with a particular focus on reducing recidivism. In Japan, these strategies involve collaboration between relevant ministries and are implemented at both national and local levels, with the participation of public and private sectors. This example highlights the necessity to prioritize reducing recidivism among inmates after their release from closed facilities.

RAND Corporation in August 2013, commissioned by the US Department of Justice conducted a study which established a clear relationship between the provision of educational and training programs in prisons and a reduction in recidivism rates, as well as an improvement in job opportunities. The study also revealed that correctional programs are cost-effective, taking into account the direct cost of education provision and the cost of re-incarceration. The following conclusions were drawn:

- The likelihood of prisoners being re-incarcerated is 43 percent lower among those who participate in correctional programs compared to those who do not.
- The number of prisoners who secured employment after release is 13 percent higher among those who participated in education or training programs than those who did not.
- Those who participated in vocational training programs were 28 percent more likely to be employed after release from prison than those who did not participate in such programs.
- The direct cost of providing education was estimated to be between 1,400 USD and 1,750 USD per prisoner. Re-incarceration cost was 8,700 USD to 9,700 USD lower per prisoner who participated in a reformatory program compared to those who did not participate.



This leads to a finding that these programs are crucial in reducing recidivism and promoting public safety, as they encourage prisoners to be prepared and capable of leading a law-abiding and independent life after their release. This is a key objective of any prison sentence since it is essential to ensure that inmates can reintegrate into society successfully.<sup>13</sup>

Still challenging issue is that researchers have not provided sufficient guidance in each of the areas examined, and have not thoroughly studied a wide range of programs. For instance, out of 44 adequately evaluated studies (Antonowics and Ross, 1994), only 20 (45 percent) were found to be effective. The fact that there were only 20 effective programs over a span of 21 years indicates that truly exceptional programs with positive outcomes are relatively rare. Nevertheless, the extent of the reductions in recidivism can be remarkably significant, reaching as high as 90 percent (with a range from 27 percent to 90 percent) (Antonowics and Ross, 1994). Gill (2016) acknowledged that there is still much to learn about the effectiveness of community-based interventions, particularly considering the vast array of programs available. While having detailed knowledge about effective programs and practices for specific situations is important, it is not sufficient to ensure that evidence-based programs are widely adopted (Weisburd, Farrington and Gill, 2016). Mallender and Tierney (2016) determine that a crucial aspect of determining the worth of implementing programs is conducting cost-benefit analyses. Despite their growing use in criminal justice contexts, these assessments are still infrequent. As prisoners who fail to reintegrate into society pose a significant threat to public safety and also incur substantial financial costs for society, it is important to consider the costs of programs aimed at supporting offender reintegration in comparison to the long-term social and financial benefits of preventing such costs (Griffiths and Murdoch, 2007).

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<sup>13</sup> United Nations Office on Drugs and Crime, “Roadmap for developing rehabilitation programs in a prison setting”, Vienna 2018

We come to a point that there are only a few thorough evaluations that would enable the determination of best practices and provide conclusive evidence on the effectiveness of particular interventions. Despite this, a few crucial elements of programs that seem to help offenders reintegrate into the community and reduce recidivism can be identified from the limited evaluations carried out. These programs offer ongoing support from the imprisonment period to release and involve close cooperation between criminal justice, social service, health, and other agencies, as well as the offender's family and community-based organizations.

It has been found that addressing factors that contribute to criminal behavior in a comprehensive manner and providing support for offenders' physical and social needs both during and after their release can lead to positive reintegration outcomes (Travis, Solomon, and Waul, 2001). However, reintegration is a complex task, and it can be challenging to measure the impact of specific interventions. These programs aim to prevent crime by reducing recidivism rates, which is a problematic measure in itself. The estimation of recidivism rates is affected by how and when reoffending is measured and can be measured at different points of an offender's interactions with the criminal justice system (Lievore 2004).

Therefore, this paper will analyze the reasons why the policy on rehabilitation programs has been failed during the implementation stage in the Kyrgyz Republic and provide policy recommendations for successful implementation based on theoretical perspectives and thorough evaluations determining best practices in countries such as Norway and Japan. As the literature review highlighted, it might be challenging to assess the effectiveness of rehabilitation programs in crime prevention, however, a starting point for the Kyrgyz Republic would be to start implementation process and evaluate the outcomes on a regular basis. What is missing at this stage is the absence of mechanisms and instruments ensuring policy implementation on rehabilitation programs for offenders. Hill (2004) points out that different stages can be observed in the development of policy, progressing from a broad commitment to

action to the formal implementation of laws and the creation of guidelines for implementers. These stages encompass the interpretations and actions of individuals involved at the operational level, ultimately leading to substantial outputs. They are often recognized institutionally through established rules and practices governing the roles of various organizations throughout the process. Thus, we encounter the primary challenge that has arisen in the case of Kyrgyzstan and limited the ability to implement the policy due to lack of guidelines and instruments available to implementers.

## Research design

The research explores the causal mechanisms of policy implementation failure and consider why it did not work after the policy formulation stage. This causal mechanism analysis will help to understand the main obstacles behind successful rehabilitation programs, such as the importance of community involvement, specialized staff training, development of evidence-based curriculums and cooperation among stakeholders. The theory of change will be as follows: If effective policy on rehabilitation programs is developed and integrated, offenders will have a chance to rehabilitate and safely reintegrate into society which in the longer term will reduce the recidivism rate and also reduce the prison population in the country. Causal mechanisms are essential in understanding the underlying reasons for policy success or failure. In the context of this research, exploring the causal mechanisms of policy implementation failure on rehabilitation programs for offenders will help to identify the root causes of the problem itself.

The first important causal mechanism to consider is the importance of community involvement. In developed countries, community involvement in the criminal justice system is high, with regular citizens playing an active role in the rehabilitation and resocialization of offenders. The involvement of citizens in the rehabilitation process creates a supportive environment that promotes positive behavior change and helps offenders to reintegrate into society successfully. However, in the Kyrgyz Republic, community involvement in the criminal justice system is limited, and this may impede the effectiveness of rehabilitation programs.

Another important causal mechanism is the need for specialized staff training. Staff working in the criminal justice system, including probation officers, prison staff, and judiciary representatives, must receive specialized training to effectively implement rehabilitation programs. This training enables them to understand the complex needs of offenders and to

provide appropriate support and guidance to aid their rehabilitation. In the Kyrgyz Republic, the lack of specialized staff training leads to inadequate support and guidance for offenders, hindering their rehabilitation and resocialization.

A further causal mechanism to consider is the importance of evidence-based curriculums. Ideally, rehabilitation programs are developed based on evidence-based research and are regularly evaluated to ensure their effectiveness. This approach ensures that programs are tailored to the individual needs of offenders and are based on scientific evidence of what works. In the Kyrgyz Republic, there are no evidence-based curriculums, which ruins the implementation of a policy at the initial stage.

Finally, cooperation among stakeholders is a crucial causal mechanism. Stakeholders in the criminal justice system must work closely together to develop and implement rehabilitation programs. This collaboration ensures that programs are comprehensive and address the complex needs of offenders. In the Kyrgyz Republic, a lack of cooperation among stakeholders impedes the process, as different agencies may have different priorities and objectives. By exploring these causal mechanisms, the research identifies the key factors that influence the challenges to successful policy implementation in the Kyrgyz Republic. From all the above mentioned, the primary factor contributing to issues in policy implementation is often traced back to the policy design itself. A common practice is for the central government to adopt a policy without fully considering the practicalities of its implementation. This top-down approach often leads to challenges and obstacles that arise during the implementation stage (Schofield 2001).

The research design includes a mixed-method approach and analysis of qualitative and quantitative data. Systematized concept of successful rehabilitation can be observed through reduced recidivism rate, improved social and economic outcome for offenders and improved public safety. Operationalization includes tracking rates of recidivism, monitoring offenders'

compliance with the rehabilitation programs and if they follow conditions, also success rate of rehabilitation programs in helping offenders find employment and lead a normal life. Meaning, quantitative data will include crime statistics and percentage of recidivism rate. Qualitative data will include in-depth semi-structured interviews with “elites” (state officials) – including probation staff, prison service and judiciary representatives, field visit, literature analysis and document review. The literature and document review during the field visit aimed to analyze official statistical data, research, and studies available from open sources, legislation and internal forms and regulations of Probation Service. This included reviewing academic articles on rehabilitation programs and crime prevention, analysis of legislation and practice exploring the current state of the Kyrgyz Probation System. It helped in comprehending the country’s context and providing an overview of the probation situation in Kyrgyzstan.

In-depth interviews were conducted with 9 individuals, including probation, prison staff and judiciary aimed at understanding the practical aspects and the current state on rehabilitation programs for offenders. An interview guide was developed and adapted for interviewing different participants. Interviews were conducted from 20 April to 3 May 2023 in Bishkek, Kyrgyzstan and also online with the representatives from Japan and Norway to learn best practices in the field.

All interviewees provided their views with informed consent, fully understanding how their responses will be utilized. Prior to the interviews, potential participants were informed about the study’s objectives and its independence from the Probation and Prison Services, the intended use of the data obtained, and their voluntary participation. Additionally, participants were informed about the confidentiality measures in place, with all responses treated with the utmost confidentiality and only accessible to the researcher. Recording of the interviews was only done with explicit permission from the participants. It was ensured that all collected data would be presented in a generalized format, without revealing the names of any individual

participant. Participants were given the opportunity to seek clarification on any aspects of the study, and they were advised of their right to withdraw from the study or withhold certain responses at any time. The participation did not involve any financial or other remuneration. Participants have been selected voluntarily by a researcher at place as agreed with the Ministry of Justice. Snowballing technique were allowed depending on context, participant insights and answers. Some interviewees were selected by the researcher from past experience of working on formation of policies related to criminal justice reforms.

Therefore, the research adhered to ethical standards and protocols, disclosure of the information ensuring confidentiality, and respecting cultural norms and values, data protection, equal treatment. A travel grant was obtained within the support of Central European University Foundation of Budapest (CEUBPF) to conduct offline interviews with the main stakeholders in the Kyrgyz Republic and a field visit, as such preparations according to the theoretical recommendations have been made. This included receiving the consent from Ministries, development of consent forms which include the information on the aim of the research, gathering of data, how this data would be used, transcribed and kept.

*Table 1: List of interviewed respondents*

Ministry of Justice of the Kyrgyz Republic	1 interview
Probation Service under the Ministry of Justice of the Kyrgyz Republic	2 interviews
Prison Service under the Ministry of Justice of the Kyrgyz Republic	3 interviews
Supreme Court of the Kyrgyz Republic	1 interview
Probation Service of Japan	1 interview (online)
Prison Service of Norway	1 interview (online)
<b>TOTAL</b>	<b>9 interviews</b>

By utilizing these methods of data collection, it was possible to gather trustworthy empirical data and evidence, take into account the perspectives and encounters of criminal justice stakeholders, identify significant discoveries, draw dependable conclusions, and ultimately suggest broad recommendations for improving the situation.



## Discussion

### ***I. Legal Policy and Situational Analysis on Rehabilitation Programs for Offenders in the Kyrgyz Republic***

It was predicted in the forecasted Situation in the Penitentiary System for 2018-2023 that the number of prisoners in the Kyrgyz Republic will continue to grow by an average of 0.3-1 percent per year, as per the current criminal legislation.<sup>14</sup> However, the state can limit the growth rate by adopting amnesty acts which is a common practice in Kyrgyzstan. By 2023, it was expected that the number of those sentenced to life imprisonment will increase to around 430 people, and up to 500 or more people will be convicted for terrorist and extremist crimes. If measures are not taken to resume resocialization measures, such as parole and a progressive system of punishment in the form of ordinary and light conditions, the large number of convicted people in correctional colonies will adversely affect the overall situation in the prison system.

A proposal to establish a national Probation Service in Kyrgyzstan was initially introduced in the “Concept of Reforming the Penitentiary System” and the “National Program for Reforming the Penitentiary System until 2010,”<sup>15</sup> which was approved by the government of the Kyrgyz Republic on 9 December 2002 in the Decree No. 833. A decade later, the President of the Kyrgyz Republic issued a decree No. 147 on 8 August 2012 titled “On measures to improve justice in the Kyrgyz Republic”<sup>16</sup>, which acknowledged that the humanization of justice must be one of the primary goals in reforming the Penitentiary System, including the introduction of the Probation Service and the institution of pre-trial reports from

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<sup>14</sup> Strategy on the development of the Penitentiary System of the Kyrgyz Republic for 2018-2023, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/12660>

<sup>15</sup> Concept for Reforming the Penitentiary System of the Kyrgyz Republic until 2010, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/49500>

<sup>16</sup> Decree of the President of the Kyrgyz Republic No. 147 “On measures to improve justice in the Kyrgyz Republic” dated August 8, 2012, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/61388?cl=ru-ru>

the Probation Service<sup>17</sup>. This decree served as the basis for the development and adoption of new legislation, such as the Criminal Code, the Code of Misdemeanors, the Criminal Procedure Code, the Penal Code, and the Law on Probation, which regulate the activities of the institute of probation.

During the reform process, it became apparent that implementing a Probation System or alternatives to imprisonment in Kyrgyzstan could serve not only to decrease recidivism rates but also to engage clients in community service, support their efforts to change their behavior, and provide access to resources like medical care, education, and re-issue of documents that can contribute to successful resocialization.<sup>18</sup> In response, the Law of the Kyrgyz Republic “On Probation” was passed in 2017, which came into effect in 2019. The law sets out the purpose of probation as ensuring public safety and creating opportunities for the correction and resocialization of clients while preventing them from reoffending. The State Service for the Execution of Punishments (SSEP) under the Government of the Kyrgyz Republic was initially responsible for implementing the law until the establishment of an authorized Probation Service. However, starting from 1 September 2019, the Probation institute was transferred to the Ministry of Justice of the Kyrgyz Republic in accordance with the Government Resolution No. 666 and No. 400.<sup>19</sup> The State Service for the Execution of Punishments (SSEP) under the Government of the Kyrgyz Republic was also transferred to the Ministry of Justice of the Kyrgyz Republic and renamed as the Service for the Execution of Punishments (SEP) under the Ministry of Justice of the Kyrgyz Republic.

Probation Service is a social and legal institution in Kyrgyzstan that aims to apply a set of state coercion and social influence measures to probation clients with the goal of correcting

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<sup>17</sup> Penal Reform International, “Impact of COVID-19 on the Probation Service and Clients in Kyrgyzstan”, 2022, available at: <https://cdn.penalreform.org/wp-content/uploads/2022/01/FINAL-IPPF-report-Kyrgyzstan-Final-ENG-1.pdf>

<sup>18</sup> Penal Reform International 2022

<sup>19</sup> Government Resolution No. 666 and No. 400, available at: <https://probation.gov.kg/ru/o-departamente/istoriya-sozdaniya-probatsii.html>

their behavior, preventing the commission of offenses, providing social assistance, and facilitating their resocialization. The objectives of probation activities include ensuring the security of society and the state, correcting and resocializing probation clients, and preventing them from committing new offenses. Probation Service operates under the Constitution of the Kyrgyz Republic, as well as various regulatory legal acts that establish the procedure and conditions for the execution and serving of sentences without isolation from society and coercive measures of criminal law. Probation is divided into several types, depending on its tasks and the stage of its application, including pre-trial probation, executive probation, penitentiary probation, and post-penitentiary probation.

To provide support to Prison and Probation Services at the initial point of the abovementioned stages, Penal Reform International<sup>20</sup> conducted pilot rehabilitation programs for 157 convicted people, including at-risk detainees with social, legal and psychological support in detention and after release by creating pilot services in pilot prisons. The services also included the provision of education in prisons and establishment of art centers inside the facilities where convicted people can improve their emotional well-being through painting lessons and sewing. By the end of the program, 42 percent of current and former participants perceived that their treatment had improved in the past year. Participants also stressed how important such rehabilitation programs are and indicated their willingness to continue working with psychologists and social workers following release. Moreover, according to Probation Service in 2021 the cases of reoffending were 0.39 percent which demonstrates a very low rate of recidivism by probation clients. Considering the specific timeline and budget for the project realization, pilot rehabilitation programs have been provided only for a limited period.

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<sup>20</sup> Penal Reform International (PRI) is an independent international non-governmental organisation that structures its work through a policy programme, regional programmes, and a governance and strategy programme that ensures learning and impact. Registered in the Netherlands (registration no 40025979), PRI operates globally with offices in multiple locations, including Central Asia.

Moving on to the current situation, below is provided a Statistical data on probation clients of the Probation Service under the Ministry of Justice of the Kyrgyz Republic for 2019, 2020, 2021, 2022 years.

*Table 2: Probation clients statistics*

<b>Number of probation clients in accordance with probation type</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Pre-trial probation	2927	4749	5139	1808
Executive probation	3398	3254	3718	4681
Penitentiary probation	1310	1323	1234	1286
Post-penitentiary probation	757	662	629	546
<b>Total of all types of probation</b>	<b>8392</b>	<b>9988</b>	<b>10720</b>	<b>8321</b>
Registered in total	3065	3767	4698	8814
De-registered in total	3848	4042	4308	7785
<b>Total</b>	<b>15305</b>	<b>17797</b>	<b>19726</b>	<b>24920</b>

Whereas up to date of 31 March 2023, there are 5829 probation clients including all probation types. The interview conducted with the representative of Probation Service have highlighted the considerable challenge in calculating the recidivism rate at present:

“It is very difficult to count the recidivism rate. According to the new Criminal Code of the Kyrgyz Republic, the concept of recidivism was removed from the legislation.”

This difficulty arises from the recent removal of the concept of recidivism from the legislation of the Kyrgyz Republic, as outlined in the new Criminal Code. Under the current

legal framework, individuals who commit crimes again are now categorized differently. Consequently, the proportion of such cases is relatively low. Additionally, the court has the discretion to include probationary periods alongside the imposed sentences, resulting in a combination of penalties. As a result, the Probation Service currently lacks any available data on recidivism.

Another important finding revealed during the interview with the representative of the Prison Service is the lack of comprehensive rehabilitation programs within the Prison and Probation Services, excluding programs designed specifically for drug-addicted individuals in prisons. One notable program is the “12 steps” rehabilitation program, which employs group psychotherapy and mutual assistance among participants. However, there is a lack of subsequent monitoring to assess the outcomes and effectiveness of these programs, potentially leading to gaps in program evaluation.

“To date, there are two rehabilitation programs in closed institutions, Atlantis and Clean Zone, which are aimed at treating drug addicted convicted people. However, to date there are no other rehabilitation programs and overall understanding of the relationship between rehabilitation programs and the provision of full support for convicted people who do not belong to a certain segment of drug addicts.”

Despite the existence of rehabilitation programs in legislation and policy, their practical implementation is hindered by a lack of mechanisms, as well as insufficient financial and staff resources. Currently, these services primarily offer social support, conducting individual assessments and creating social profiles of offenders. They assist in obtaining necessary documents such as passports, help offenders find employment and housing, and provide healthcare support when needed. However, due to limited cooperation among different

agencies, the process is often complicated. One of the most pressing issues faced by offenders relates to housing and employment. The state lacks dedicated rehabilitation centers where offenders can reside if they do not have housing. Existing centers supported by civil society initiatives have limited capacity and resources. In terms of employment, companies generally exhibit reluctance to hire individuals with a criminal record, and when they do, the salaries offered are often significantly lower. The representative of the Probation Service highlighted that:

“We help probation clients in finding employment opportunities, but with the labor and employment authorities the problem is in low wages, clients want high wages.”

In turn, the representative of the Supreme Court shared the story from practice:

“I would like to share a story from my experience. Miss X has spent 50 years in prison and was actually born there. Her father was a known criminal and a repeat offender. Just four months after her release, she found herself in court again facing charges of stealing a cell phone. Throughout her release, she worked as a cleaner and had no housing whatsoever. There is no mention of any rehabilitation program being available to her. During the court proceedings, Miss X expressed the following: “We have nowhere to go, and no one will hire me with my criminal record. It’s my own fault that I made mistakes in my youth. I would gladly work; in the prison I had employment and earned an income. It’s impossible for me to find work without housing and without a passport on the freedom, so I committed a crime again to be back to prison.”

Continuing the story, the judge concluded that “society itself contributes to the occurrence of repeat offenses.” The incidence of recidivism among probation clients is

relatively low. However, some individuals may leave for Russia during their probation period to seek employment. Probation services submit extradition requests, resulting in the person being sent back to jail. Such cases are not widespread, however, introducing a legislative quota that guarantees a certain percentage of job placements for probation clients could potentially change the situation. The judge recommended that it is important to establish, at a legislative level, specific timeframes for issuing passports. Additionally, within the labor exchange system, ensuring that out of 10 job vacancies, 3 are reserved for probation clients or convicted people could be beneficial. However, the issue of stigma may arise, as society may pass judgment on the presence of such individuals. It is crucial for people to understand that rehabilitation plays a vital role in personal growth and correction.

If to make a small economic analysis, only pilot projects are operational currently, and as figured there is a lack of state-level rehabilitation programs. As of now, there are approximately 8 000 convicted people within the Penitentiary Service, with the state spending 93 soms per day (1,07 USD) to cover the expenses for each convicted person's maintenance. This adds up to a total of 744 000 soms per day (8500 USD) for the maintenance of all convicted people. In a month, this amounts to 22 million 320 thousand soms (255 000 USD), not including the costs associated with running the prison facilities and paying the staff. The overall expenditure is significant. As mentioned earlier in the RAND Corporation's research, it has been demonstrated that the state can achieve greater cost savings by redirecting funds towards rehabilitation programs rather than solely focusing on the maintenance of prisons.

Upon analyzing the legislation, it was found that the law, regulations, and internal instructions of the probation department lack clear explanations regarding the concept of rehabilitation and the specific components of these programs aimed at correcting the behavior of offenders and facilitating their resocialization. This poses a significant challenge for both the Penitentiary and Probation Systems, as they lack a scientific approach to addressing the

correctional and educational needs of convicted individuals from social, psychological, and pedagogical perspectives. Insights gathered from interviews with key stakeholders in the criminal justice system indicate that while the concept of rehabilitation and resocialization is enshrined in the legislation and is considered a primary function of the Probation Service, in practice, the focus remains predominantly on parole supervision. The development of effective rehabilitation programs necessitates thorough analysis and the involvement of a diverse range of experts. In many countries, these programs have been established with substantial financial support from governments or international donors. However, due to reasons of confidentiality, such programs are often restricted and fee-based, limiting their accessibility for other countries. The representative of the Ministry of Justice mentioned during the interview:

“During our exchange in Latvia in 2018, facilitated by the ICRC, we had the opportunity to study Latvia’s probation system and obtain printed materials on risk and needs assessment as well as partial rehabilitation programs. We translated and adapted these materials into Russian for implementation in Kyrgyzstan, incorporating them into our Procedure for Probation and Client Management. Much of what we currently have in our system is actually based on the Latvian model, which, in turn, drew inspiration from Canadian practices. The individual program for providing social support also originated from Latvia.”

However, there hasn’t been a significant breakthrough in rehabilitation programs. While the state has initiated the submission of social orders for such programs several years ago, progress on this matter has been consistently delayed. There is a lack of comprehensive approaches, and efforts to streamline processes are currently not being prioritized. As a result, Prison and Probation Services do not currently have comprehensive rehabilitation programs in place. These programs require long-term commitment, reliable partners, and sufficient funding,



among other factors. The educational unit established for this purpose has deviated from its primary functions, and they are still awaiting correctional programs from Latvia. It is possible that they may need to develop own programs based on the materials obtained and already available experience on providing social and psychological support. Since there is a lack of emphasis on studying foreign experiences, and the availability of open-source programs is limited, as most of them are paid or restricted access. The representative of Norwegian Prison Service shared a recommendation on this matter and emphasized that:

“One cannot simply replicate the Norwegian or Latvian approach directly into their country, but it is valuable to draw inspiration from its’ experience and adapt them to its’ specific context. It is crucial to invest in local NGOs that understand the needs and priorities of your country. International experts can provide support and guidance by asking relevant questions, but ultimately, sustainability lies in utilizing local resources. Experts can contribute essential knowledge, but it is important to consider NGOs that have a deep understanding of the country’s background and challenges. Before anything else, it is necessary to assess the resources available within your own country. NGOs are well-informed about the various issues from a local perspective. While we can plant seeds of ideas from countries like Norway, it is essential to develop solutions using own resources.”

Another aspect coming from foreign experiences and not being integrated successfully is that more than 12 years ago, following the recommendations of international organizations, the introduction of psychologists in correctional institutions was initiated, integrating them into the department of educational and social services. Currently, there are 22 psychologists working in closed institutions, but only 3 of them possess a formal psychological education. This is due to the significant challenge in attracting qualified psychologists to work within the

criminal justice system. Efforts are only now being made to train psychologists in various aspects, including preparing interview notes, developing psychological profiles and assessments, and enhancing their collaboration with other services. The representative of the Ministry of Justice noted that:

“Numerous psychological tests are conducted in the districts of Probation Service; however, they remain unanalyzed and unattended due to a shortage of personnel and time constraints.

The Prison Service still does not have a risk and needs assessment.”

The criminal justice system is currently facing significant challenges, including a lack of staff, inadequate programs and curriculums, limited cooperation, and the absence of proper rehabilitation centers. Despite their best efforts, the Probation and Prison Services are constrained by limited resources in their attempts to make improvements. These challenges stem from the initial stages of policy design, where insufficient analysis was conducted regarding the implementation of rehabilitation and resocialization measures, as well as the necessary resources. While regulations exist for inter-agency cooperation in providing support to offenders prior to their release<sup>21</sup>, the effectiveness of this cooperation is questionable. A similar situation occurred with Electronic Monitoring, which was included in the legislation without adequate preparations for its implementation. In essence, the approach of writing policies before considering their practical implementation has been a recurring issue in the Kyrgyz Republic. As Hill (2004) emphasizes that the process of implementation assumes the existence of a prior action, specifically the act of formulating what needs to be accomplished. This leads to several inquiries: Who is responsible for formulating the plan? Who has the

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<sup>21</sup> Order on cooperation of state bodies and local self-government bodies with the administrations of correctional institutions in matters of providing social assistance to convicted people, as amended by the Resolution of the Cabinet of Ministers of the Kyrgyz Republic dated December 24, 2021 No. 350, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/12730?cl=ru-ru>

authority to make decisions? Who carries out the implementation? If these roles are not consolidated within a single entity, it becomes necessary to identify the diverse range of actors involved in the process, which ideally is to be considered during the policy formulation, but has not been done so in the case of Kyrgyzstani Probation Service. Indeed, a significant portion of Pressman and Wildavsky's analysis (1973) focuses on the crucial role of inter-organizational and inter-departmental linkages at the local level for successful implementation. They argue that when action relies on a series of interconnected links in the implementation process, achieving near-perfect cooperation between agencies becomes crucial. According to their perspective, even minor deficits in collaboration can accumulate and lead to substantial shortcomings in achieving desired outcomes. In light of this, they introduce the concept of an "implementation deficit", which undoubtedly can be applied for the case of Kyrgyzstan.

## ***II. Factors Hindering the Successful Policy Implementation***

Lester and Goggin (1998) emphasize the significance of public policy implementation, noting that it remains a crucial aspect of the policy process and one that receives substantial attention from policymakers. However, scholars often overlook implementation, focusing more on policy formation and evaluation stages. There is a growing emphasis on the divide between the design and implementation of public policy, highlighting the urgency to bridge this gap (Ansell, Sørensen, Torfing, 2017). To enhance our understanding of how to enhance policy support, it is essential to gain insight into the nature of policy failure. Examining the reasons behind unsuccessful outcomes can provide valuable guidance in identifying potential solutions (Hudson, Hunter and Peckham, 2019). The concept of "policy failure" has received increasing attention in recent times (Volker 2014). There are four key factors that contribute to policy failure: unrealistic expectations, decentralized governance during implementation, insufficient

collaboration in policymaking, and the unpredictable influence of the political cycle (Hudson, Hunter and Peckham, 2019).

In Kyrgyzstan, there is a situation similar to what Lipsky (1980) described. Lipsky talked about the importance of understanding the role of people who directly interact with the public and have some freedom to make decisions in implementing government policies. These people, known as street-level bureaucrats, are crucial in Kyrgyzstan as well. They represent the government but have some flexibility in how they carry out their work. However, their actions are not closely supervised. They have the power to shape the goals they want to achieve and the methods they use to reach those goals. While they have to follow the law, they still have enough room to significantly impact how policies are put into action in Kyrgyzstan. These street-level bureaucrats face challenges because they have to deal with conflicting demands from laws, professional rules, and the people they serve. They also have limited time and resources. To handle these challenges, they develop strategies like reducing the demand for services, limiting the services they provide, making their work more routine and automated, and trying to control the people they serve. Depending on how successful these strategies are, the actions of these bureaucrats can distort how services are provided and prevent the government's policies from being fully realized. This leads to problems in implementing policies effectively in Kyrgyzstan.

The representative of the Ministry of Justice pointed out that:

“Just recently, there have been changes to the law on probation in Kyrgyzstan that have resulted in a reduced focus on rehabilitation and resocialization efforts within the penitentiary and executive probation systems. It seems that the intention behind these changes was to avoid unnecessary burdens or inconveniences.”

Recognizing the failure to effectively provide rehabilitation programs for offenders, state authorities have made the decision to restrict their role in this area due to their inability to produce satisfactory results. However, simultaneously, other agencies are attempting to shift their own responsibilities onto the probation authority, thereby increasing their workload, even though the probation authority is already struggling to manage its current workload effectively. There is a growing trend to impose probation sentences for serious crimes and offenses. Additionally, the duration of profile registration has been extended indefinitely, with the responsibility shifting from the Ministry of Internal Affairs to probation authorities. Furthermore, there is a proposal to include domestic violence cases within the scope of probation as well. These changes have placed a significant burden on the Probation Service. Previously, the Department of the Ministry of Labor and Social Development was responsible for handling correctional programs for domestic violence cases, with a duration ranging from 3 to 6 months. However, they were unable to effectively address this issue, leading to the proposal of transferring this responsibility to the Probation Service.

In this situation, we can observe the influence of four key factors that have contributed to the failure of policy implementation: unrealistic expectations, decentralized governance during implementation, insufficient collaboration in policymaking, and the unpredictable influence of the political cycle. In 2019, a Probation Service was established with plans to transfer it to the Ministry of Justice starting from 2020. However, it was decided to expedite the transfer earlier for the sake of political gain. Weaver states: “Legislators get political credit for legislation passed, not implementation problems avoided. Legislators also see implementation as “someone else’s problem” rather than something that they should be concerned about” (Weaver 2010). Due to the humanization approach in legislation and the President’s initiative to reform the criminal justice system, policy makers set great objectives without adequate resources to achieve them. Economic and process-focused analyses, as well

as comprehensive assessments of trade-offs and the external environment, were not conducted. The rapid adoption of amendments to policies without proper consideration for implementation feasibility is a common practice in Kyrgyzstan, where legislators prioritize adoption, leaving implementers to figure out the implementation details later.

When examining rehabilitation programs from an implementation standpoint, it becomes evident that the lack of cooperation among key stakeholders, absence of active community involvement, and a shortage of specialized staff hinder their effectiveness. Currently, there are various types of rehabilitation programs available, including medical, religious, social, legal, cultural, family, and post-penitentiary programs, among others. It is essential to establish regulations and instructions for each type, in addition to individualized programs for each offender. As highlighted in the literature review, some rehabilitation programs have proven successful in facilitating resocialization and preventing crime, while others have shown inefficacy, often discovered during policy implementation and evaluation stages. This highlights the fact that policy adoption initiated a chain of causal mechanisms that hindered implementation from the outset in Kyrgyzstan, leading to limitations rather than addressing the underlying issues. Even if the staff puts forth great effort, it is insufficient without a proper mechanism in place to support their work.

Turning to recommendations part, there are policy support modes proposed by Hudson, Hunter and Peckham (2019), which include:

- Preparation for implementation: enhancing policy design
- Prioritization and tracking: improving policy monitoring
- Support for implementation: enhancing policy impact
- Review of implementation: promoting policy learning

It's clear that we need to go back to the beginning and improve the way policies are designed. This involves not just creating laws or regulations, but also providing specific

guidelines for different actors involved in developing rehabilitation programs. It's important to assess the risks and needs of offenders before starting rehabilitation as it could be considered as a diagnosis showing who is our client and what exactly we need to treat, and to clearly assign responsibilities to different stakeholders to avoid confusion. We also need to monitor the effectiveness of these programs by measuring their success rates and identifying any areas where they fall short. This way, we can make improvements and ensure the policies are working well. Also, according to Ansell, Sørensen, Torfing (2017) there isn't a single perfect approach in public policies design. Numerous policy designs should undergo real-life testing, and the crucial aspect is not to strive for a great rationalistic solution, however, it is important to ensure the following: secure the support and engagement of key public and private stakeholders by developing a compelling narrative that defines and represents the new policy; establish organizational and technological frameworks that facilitate the strategic implementation of the policy including regular capacity building of staff; and maintain sufficient openness and flexibility within the policy to allow for subsequent adjustments.

As mentioned earlier, Japan has taken a proactive approach by developing national strategies for crime prevention, which involve collaboration among relevant ministries and are implemented at both the national and local levels, with active participation from both public and private sectors. Norway has adopted a cross-ministerial approach which allow prisons to provide a place for all relevant ministries and as such making services more feasible to convicted people, with NGOs being invited to collaborate, either through government funding or other sources. The Red Cross, for example, conducts meditation programs within the Prison System. In this case the Ministry of Justice plays a crucial role in managing these collaborations, establishing cooperation, and signing agreements between agencies. It is a political mission that requires each stakeholder to understand their respective roles in providing services. It is important to recognize that inmates are also citizens of the state and their needs

must be taken into account throughout the process. In the Kyrgyzstani context, the responsibility for addressing the needs of offenders primarily falls upon the Probation and Prison Services. These agencies strive to provide essential services such as free medical healthcare, assistance with obtaining necessary documents, and facilitating housing arrangements for inmates through difficult procedural requests to other ministries. However, the main challenge might arise from the fact that for instance, the medical unit operates under the jurisdiction of the Prison Service rather than the Ministry of Health, resulting in a division of power within the Prison System. This division complicates cooperation and can even hinder the effective implementation of collaborative initiatives. The final point concerns the constant change of authorities, so that when a new government or minister comes into power, the political direction can completely change, undermining already built initiatives and practices. The lack of proper institutionalization further hinders the process, making it difficult to maintain consistent and sustainable policies.



## Conclusion

Kyrgyzstan has made significant amendments in its journey towards humanizing legislation, including the establishment of a Probation Service as part of criminal justice system reforms. Being the second country in Central Asia to establish the probation institute and develop probation law, Kyrgyzstan demonstrates its commitment to prioritizing criminal justice advancements and increasing alternative sanctions to imprisonment. This paper focused on rehabilitation programs for offenders, which also falls under the scope of the Probation and Prison Services. Despite having laws, regulations, and orders related to probation, this research highlights that the concept of rehabilitation lacks clear explanations in the legislation. Interviews conducted revealed absence of rehabilitation programs in practice, with only two programs available for drug-addicted inmates in the Prison System. Therefore, this research identifies why the rehabilitation programs for offenders has failed during the implementation stage in Kyrgyzstan.

The main issue identified is the tendency to prioritize policy writing by Kyrgyzstani legislators without adequately considering the feasibility and practicality of implementation. Root of this problem lies in the policy design stage, where the absence of mechanisms and guidance hindered the provision of proper rehabilitation support to offenders. Through an analysis of causal mechanisms, the research explored the key barriers that hinder the success of rehabilitation programs. It underlines the significance of community involvement, specialized staff training, development of evidence-based curricula, and cooperation among stakeholders as crucial aspects to be addressed in order to improve the effectiveness of rehabilitation programs for offenders. In an ideal way these programs provide continuous support from the time of imprisonment until release, fostering close collaboration among

criminal justice, social service, health, and other agencies, as well as the involvement of the offender's family and community-based organizations.

The findings of this study shed light on the challenges faced by Probation and Prison Services staff. It is evident that despite the existence of legislation and policies supporting rehabilitation, practical implementation is hindered by a lack of mechanisms and insufficient financial and staff resources. The current services primarily focus on social support, individual assessments, and assisting offenders with essential documents, employment, and housing. However, due to limited cooperation among different agencies, the process is often complicated. Housing and employment emerge as pressing issues for offenders, with a lack of dedicated rehabilitation centers and limited capacity in existing centers supported by civil society initiatives. It is still a challenging process of the recruitment of competent professionals to join the criminal justice system. Interviews with key stakeholders indicate that the current focus of the Probation Service remains predominantly on parole supervision, indicating a gap between the intended goals and the practical implementation of rehabilitation programs. This disparity can be attributed to the lack of a scientific approach in addressing the correctional and educational needs of offenders. It is crucial to develop specific instructions and guidelines for each type of program tailored for particular types of offenders, as well as personalized programs tailored to each individual based on risks and needs assessment. Conducting a thorough assessment of risks and needs before initiating rehabilitation can be linked to a diagnostic process, helping staff understand who is their client and what specific areas need to be addressed. It is equally important to clearly define the responsibilities of various stakeholders to prevent any confusion or overlap. Regular monitoring of program effectiveness through success rate measurements and identification of shortcomings enables to make necessary improvements and ensure the policies are effectively serving their purpose.

Pressman and Wildavsky's analysis (1973) highlight the importance of consistent and interconnected relationships between organizations and departments at the local level to achieve successful implementation. They argue that when actions depend on a series of interdependent links, strong cooperation between agencies becomes vital. According to their viewpoint, even minor deficiencies in collaboration can accumulate and significantly hinder the attainment of desired outcomes. Their concept of an "implementation deficit" can undoubtedly be applied to the situation in Kyrgyzstan. Additionally, drawing on the insights of Ansell, Sørensen, and Torfing (2017), it is crucial to secure the support and engagement of key stakeholders, establish organizational and technological frameworks which also relate to staff capacity building, and maintain openness and flexibility within the policy to allow for adjustments. By addressing these factors, it is possible to make the policy work, develop new rehabilitation programs and improve the effectiveness of them for successful reintegration of offenders into society. As previously discussed, Japan has demonstrated a proactive action in addressing crime prevention through the development of national strategies fostering collaboration among relevant ministries, operating at both the national and local levels. Whereas in Norway, a cross-ministerial approach has been adopted, facilitating the provision of services within prisons by various ministries. This comprehensive system increases the feasibility of delivering necessary services to convicted individuals, with the inclusion of NGOs in collaborations, either through government funding or alternative means. Based on the successful approaches implemented in Japan and Norway, it is recommended that Kyrgyzstan consider adopting similar collaborative strategies to enhance the effectiveness of the services provided by Probation and Prison authorities. Active engagement of public and private sectors, as well as the inclusion of NGOs, can significantly contribute to the provision of comprehensive services within and beyond prisons. It is crucial to allocate adequate resources and funding to support these collaborative efforts (instead of maintaining prisons), ensuring

that the needs of convicted individuals are effectively addressed and their reintegration into society is facilitated. By implementing such measures, we can strive towards more holistic and successful outcomes in crime prevention and offender rehabilitation. Small investment on the Probation and Prison Systems has a big impact on the whole society. We can start with the simple but big task in Kyrgyzstan following Norwegian approach by asking: “Who would you like to be your neighbour?” This question directs us to numerous reflections, as we all aspire to have law-abiding neighbors in our communities. It can have an impact on societal stigma and emphasize the significance of enhancing rehabilitation policies for offenders.

## Bibliography

- Andrews, D.A., Bonta, J. (2010). "Rehabilitating criminal justice policy and practice", *Psychology, Public Policy, and Law*, Vol. 16, No. 1, 39–55.
- Ansell, C., Sørensen, E., & Torfing, J. (2017), "Improving policy implementation through collaborative policymaking", *Policy and Politics*, 45(3), 467-486.
- Antonowics, Daniel H. & Ross, Robert R. (1994). "Essential Components of Successful Rehabilitation programs for Offenders". *International Journal of Offender Therapy and Comparative Criminology*, 38(2).
- Bosma, Anouk Quirina. (2016). "Targeting recidivism. An evaluation study into the functioning and effectiveness of a prison-based treatment program". *University of Leiden*.
- Bui, Laura & Farrington, David P. (2019). "Crime in Japan A Psychological Perspective", *Palgrave Advances in Criminology and Criminal Justice in Asia*.
- Canton, Rob. (2012). "The point of probation: On effectiveness, human rights and the virtues of obliquity", *Criminology & Criminal justice*, 13(5) 577-593.
- Concept for Reforming the Penitentiary System of the Kyrgyz Republic until 2010, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/49500>
- Criminal Code of the Kyrgyz Republic, dated February 2, 2017 No. 19; Misconduct Code of the Kyrgyz Republic, dated February 1, 2017 No. 18; Criminal Procedure Code of the Kyrgyz Republic, dated February 2, 2017 No. 20; Penal Code of the Kyrgyz Republic, dated January 31, 2017 No. 17 (Entered into force by the Law of the Kyrgyz Republic dated January 24, 2017 No. 10 from January 1, 2019)
- Curt T. Griffiths, Yvon Dandurand Danielle Murdoch. (2007). "The Social Reintegration of Offenders and Crime Prevention", *The International Centre for Criminal Law Reform and Criminal Justice Policy*.
- Deady, Carolyn W. (2014). "Incarceration and Recidivism: Lessons from Abroad". *The Pell Center for International Relations and Public Policy at Salve Regina University*.
- Decree of the President of the Kyrgyz Republic No. 147 "On measures to improve justice in the Kyrgyz Republic" dated August 8, 2012, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/61388?cl=ru-ru>
- Denny, Meagan. (2016). "Norway's Prison System: Investigating Recidivism and Reintegration". *Bridges: A Journal of Student Research*: Vol. 10 : Iss. 10 , Article 2.
- Farabee, David. (2002). "Reexamining Martinson's Critique: A Cautionary Note for Evaluators". *Crime & Delinquency*.
- Finch, Andrew. (2000). "Criminal Statistics in Japan: The White Paper on Crime, Hanzai Hakusho and Hanzai Tokeisho". *Social Science Japan Journal* 3 (2): 237–49.

Fourteenth United Nations Congress on Crime Prevention and Criminal Justice Kyoto, Japan, 7–12 March 2021, Report of the workshop: Reducing reoffending: identifying risks and developing solutions, A/CONF.234/9, available at: [https://www.unafei.or.jp/publications/pdf/14th\\_Congress/01\\_WholeText.pdf](https://www.unafei.or.jp/publications/pdf/14th_Congress/01_WholeText.pdf)

Gill, Charlotte. (2016). Community interventions. In (David Weisburd, David P. Farrington, and Charlotte Gill, eds.). “What Works in Crime Prevention and Rehabilitation: Lessons From Systematic Reviews”. *New York: Springer*.

Government Resolution No. 666 and No. 400, available at: <https://probation.gov.kg/ru/o-departamente/istoriya-sozdaniya-probaczii.html>

Hill, Michael. (2004). “Implementation: an overview”. *the Public Policy Process*, 4<sup>th</sup> Edition.

Hudson, B., Hunter, D., & Peckham, S. (2019). “Policy failure and the policy-implementation gap: can policy support programs help?” *Policy design and practice*, 2(1), 1-14.

Law of the Kyrgyz Republic “On Probation”; dated February 24, 2017 No. 34.

Lester, James P., and Goggin, Malcolm L. (1998). “Back to the Future: The Rediscovery of Implementation Studies.” *Policy Currents* 3:3:1 -9.

Lievore, D. (2004). “Recidivism of Sexual Assault Offenders: Rates, Risk Factors and Treatment Efficacy”. A Report Prepared for the Office of the Status of Women, Canberra: *Australian Institute of Criminology*.

Lipsky, M. (1980). “Street-level Bureaucracy”, *New York: Russell Sage Foundation*.

Lipton, D. S., Martinson, R., & Wilks, J. (1975), “The effectiveness of correctional treatment: A survey of treatment evaluation studies”. *New York: Praeger*.

Mallender, Jacqueline and Rory Tierney. (2016). Economic analyses. In (David Weisburd, David P. Farrington, and Charlotte Gill, eds.), “What Works in Crime Prevention and Rehabilitation: Lessons From Systematic Reviews”. *New York: Springer*.

Martinson, Robert. (1974). “What Works? Questions and Answers About Prison Reform”. *The Public Interest*, New York, (Spring): 22-54.

Offenders Rehabilitation Act (Act No. 88 of June 15, 2007), Art. 1, available at: <https://www.cas.go.jp/jp/seisaku/hourei/data/ORA.pdf>

Order on cooperation of state bodies and local self-government bodies with the administrations of correctional institutions in matters of providing social assistance to convicted people, as amended by the Resolution of the Cabinet of Ministers of the Kyrgyz Republic dated December 24, 2021 No. 350, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/12730?cl=ru-ru>

Paparozzi, M. A. and P. Gendreau. (2005). “An Intensive Supervision Program that Worked: Service Delivery, Professional Orientation, and Organizational Supportiveness”. *The Prison Journal*, 85(4), 445-466.

Penal Reform International, “Impact of COVID-19 on the Probation Service and Clients in Kyrgyzstan”, 2022, available at: <https://cdn.penalreform.org/wp-content/uploads/2022/01/FINAL-IPPF-report-Kyrgyzstan-Final-ENG-1.pdf>

Pressman J. and Wildavsky A. (1973/1984). “Implementation: How Great Expectations in Washington Are Dashed in Oakland; Or, Why It’s Amazing that Federal Programs Work at All, This Being a Saga of the Economic Development Administration as Told by Two Sympathetic Observers Who Seek to Build Morals on a Foundation of Ruined Hopes”. *Berkeley: University of California Press*.

RAND Corporation (2013): Evaluating the Effectiveness of Correctional Education – A Meta-Analysis of Programs that Provide Education to Incarcerated Adults, available at: <https://www.rand.org/well-being/justice-policy/portfolios/correctional-education/policy-impact.html#:~:text=%22%5BA%5D%20recent%20report%20by,%2Drelease%20of%20a%20prisoner.%22>

Regulation on the Probation Service under the Ministry of Justice of the Kyrgyz Republic, as amended by the Decrees of the Government of the Kyrgyz Republic dated August 5, 2019 No. 400, December 30, 2019 No. 722, the Cabinet of Ministers of the Kyrgyz Republic dated December 24, 2021 No. 350, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/12888?cl=ru-ru>

Rehabilitation Bureau of Ministry of Justice of Japan, “Offender Rehabilitation of Japan”, available at: <https://www.moj.go.jp/content/001345372.pdf>

Resolution adopted by the General Assembly on 25 September 2015, 70/1. Transforming our world: the 2030 Agenda for Sustainable Development, available at: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf)

Schofield, Jill. (2001). "Time for a revival? Public policy implementation: a review of the literature and an agenda for future research", *International Journal of Management Reviews* 3.3: 245-263.

Shapar, Maria A. (2017). “Post-penitentiary adaptation: main problems and ways of their decision”. UDK 34.

Stephenson, M. and J. Jamieson. (2006). “Barriers to Engagement in Education, Training and Employment”. London, UK: *Youth Justice Board for England and Wales*.

Strategy on the development of the Penitentiary System of the Kyrgyz Republic for 2018-2023, available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/12660>

Travis, J., A. L. Solomon, and M. Waul. (2001). “From Prison to Home: The Dimensions and Consequences of Prisoner Re-entry”. Washington, D.C.: *Justice Policy Center, Urban Institute*.

United Nations Office on Drugs and Crime, “Roadmap for developing rehabilitation programs in a prison setting”, Vienna 2018.

United Nations Office on Drugs and Crime, “United Nations Office on Drugs and Crime Statistics on Crime”, Vienna 2016.

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), General Assembly resolution 70/175, annex, adopted on 17 December 2015.

Volker, P. (2014). “Vision Without Execution is Hallucination”. *Public Administration Review* 74 (4): 439–441.

Weaver, K. (2010). “But will it work?”, *Issues in Government Studies*, 32: 1-17.

Weisburd, D., Farrington, D.F., Gill, Charlotte. (2016). “What Works in Crime Prevention and Rehabilitation An Assessment of Systematic Reviews”, *New York: Springer*.

Westermann T.D., Burfeind J.B. (1991). “Crime and Justice in Two Societies—Japan & the U.S”. *Pacific Grove: Brooks/Cole Publishing Company*.

World Population Review, 2023, available at:  
<https://worldpopulationreview.com/countries/kyrgyzstan-population>