

## 6 Kyrgyzstan: Social Work and Health in the Penitentiary System

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### *Introduction*

The penitentiary system actually represents an inherited Soviet model, the remnants of which have been affected by a number of negative factors that are socio-economic, political, and criminal in nature.

Currently, the penitentiary system of the Kyrgyz Republic, which holds about 10,000 convicts, is facing many difficulties, including an insufficient material and infrastructural basis for keeping prisoners, limited opportunities for training penitentiary staff, and the widespread prevalence of infectious diseases, particularly tuberculosis. The State Penitentiary Service operates in conditions of severe underfunding. Low wages and hard working conditions make it difficult to attract qualified personnel. Increasing crime, distribution and use of drugs, as well as violence among prisoners are serious concerns. There are also no opportunities to detain prisoners in separate parts of the prison, depending on the conditions of their sentence. In addition, there are low levels of control and supervision of the activities of organised criminal groups in the prison, which leads to serious violations and the division of prisoners into hierarchical groups.

After the collapse of the Soviet Union, the penitentiary system of Kyrgyzstan remained largely unchanged since the prison system is not a priority for the government. Another important aspect thing is the reduction in the number of prisoners. For example, for minors, women, and other groups, more lenient punishments are provided (Shambilov, 2017). This saves public funds and protects non-violent people from imprisonment. For them alternative punishments are provided. For example, they often live with their families and continue to work but, at the same time, probation and alternative penalties are introduced.

The aim of this chapter is to describe the penitentiary system in the Kyrgyz Republic. It starts with the history of prisons during the Soviet time and how they changed after the collapse of the Soviet Union, before moving on to examining the structure, legislation, and current demographic situation of the prisoners. The chapter also analyses the way in which –

and when – social worker services introduced into the penitentiary system and what the regulations of their areas and responsibilities, as well as the challenges of the system, are.

### *1. The History and Legal Framework of the Prison System in Kyrgyzstan*

In Central Asia, and in the post-Soviet space as a whole, prisons are considered a legacy of the Soviet Union. The prison regime was built based on camp systems – Gulags such as Karlag (a corrective labour camp in Karaganda, 1930–1959) and ‘Alzhir’ (the Akmola camp for the wives of traitors to the motherland, 1938–1953). The main purpose of such institutions was to isolate people from society whilst they serve their sentences.

Since 1960, the administrative and functional purpose of the penitentiary system has changed. For example, on 13 May 1960, the Prison Department was reorganised into the Department of Places of Confinement of the Ministry of Public Order of the Kirghiz SSR (Shagivaliev, Smanalieva and Shagivaliev, 2017). On 30 May 1969, the Department of Places of Confinement of the Ministry of Public Order of the Kirghiz SSR was reorganised into the Department of Executive Labour Institutions of the Ministry of Internal Affairs of the Kirghiz SSR.

After the collapse of the Soviet Union, the entire structure of governmental institutions was reorganised. This process also affected the penitentiary system in Kyrgyzstan. On 28 May 1991, the Department of Executive Labour Institutions of the Ministry of Internal Affairs of the Kyrgyz SSR was reorganised into the Department for Correctional Affairs of the Republic of Kyrgyzstan. On 4 June 1993, the Department for Correctional Affairs of the Republic of Kyrgyzstan was reorganised into the Department for Criminal Executive Affairs of the Kyrgyz Republic. On 14 April 1995, the Department for Criminal Executive Affairs of the Kyrgyz Republic was reorganised into the Main Department for the Execution of Punishments of the Ministry of Internal Affairs of the Kyrgyz Republic.

On 20 June 2002, the Main Department for the Execution of Punishments was transferred from the jurisdiction of the Ministry of Internal Affairs of the Kyrgyz Republic to the Ministry of Justice of the Kyrgyz Republic by the Decree of the Government of the Kyrgyz Republic dated 20 June 2002, Decree 391. Since 2002, the penitentiary system of the Kyrgyz Republic has been administered by the Ministry of Justice. Its withdrawal from the subordination and structure of the Ministry of Internal Affairs corresponds to generally accepted practice and helps to reduce abuses

caused by the implementation of criminal, procedural, and operational search activities.

The change in the structure of subordination was carried out as part of measures to implement the Decree of the President of the Kyrgyz Republic 'On Measures to Further Improve the Penitentiary System of the Kyrgyz Republic', dated 24 October 2001, and the Decrees of the Government of the Kyrgyz Republic 'On the Procedure and Conditions for the Implementation of the Protection of Correctional Institutions and Escort of Convicts and Persons Taken into Custody', dated 17 May 2002, and 'On the Transfer of the Penitentiary System of the Ministry of Internal Affairs of the Kyrgyz Republic to the Jurisdiction of the Ministry of Justice of the Kyrgyz Republic', dated 20 June 2002 (Shagivaliev, Smanalieva and Shagivaliev, 2017).

With the implementation of Law of the Kyrgyz Republic 'On Approval of the Structure of the Government of the Kyrgyz Republic', dated 22 October 2009, Decree No. 283, and the Decree of the President of the Kyrgyz Republic 'On Measures to Ensure the Implementation of the Law of the Kyrgyz Republic' and 'On the Structure of the Government of the Kyrgyz Republic', dated 26 October 2009, No. 425, the State Service for the Execution of Punishments under the Government of the Kyrgyz Republic (hereinafter referred to as the State Penitentiary Service) was formed. The State Penitentiary Service included the Department for the Execution of Sentences and the Department for the Protection and Escort of Convicts and Persons in Custody.

Laws adopted in the 1990s in Kyrgyzstan are still in place. The old laws still applied until 2019, when the new norms came into force, which includes humanisation and new institutions. From 2000 to 2008, work was carried out to decriminalise criminal punishment. That is, for petty criminals, norms were introduced that provide for administrative punishment or fines in place of imprisonment. The conceptual foundations for the further development of the Main Directorate for the Execution of Sentences were laid down in the National Programme for Reforming the Penitentiary System of the Kyrgyz Republic, known as 'Umut', by 2010; Umut was adopted by the Government of the Kyrgyz Republic on 10 March 2006 (OSCE Centre in Bishkek and Prison Amnesty International, 2006).

## *2. Organisational Structure of the Penitentiary System of the Kyrgyz Republic*

During the Soviet era and after the country gained independence, the penitentiary system of Kyrgyzstan was under the jurisdiction of the Ministry of Internal Affairs of the Kyrgyz Republic, initially as the Department of Correctional Affairs of the Kyrgyz Republic. In 1995, as part of the initial stage of reforms in the penitentiary system, the Department of Correctional Affairs of the Kyrgyz Republic was transformed into the Main Department for the Execution of Punishments of the Ministry of Internal Affairs of the Kyrgyz Republic. The prison system functioned as part of the Ministry of Internal Affairs of the Kyrgyz Republic until 2002. Then, in order to carry out a systematic and comprehensive reform of the judicial system and law enforcement agencies, as well as to implement the concept of reforming the penitentiary system approved by the Decree of the Government of the Kyrgyz Republic 'On the Concept of Reforming the Penitentiary System of the Kyrgyz Republic for the Period up to 2010', dated 9 December 2002, No. 833, and for the purposes of humanisation and demilitarisation, the penitentiary system was transferred from the Ministry of Internal Affairs of the Kyrgyz Republic to the Ministry of Justice of the Kyrgyz Republic. The next important stage in the activities of the penitentiary system was its transformation in 2009 into a separate State Service for the Execution of Sentences under the government of the Kyrgyz Republic (hereinafter referred to as the SSEP).

At present, the functions of the State Penitentiary Service include the following main components: the detention of persons under investigation (SIZO); the execution of sentences in the form of deprivation of liberty without isolation from society (colonies, penal settlements, penitentiary inspections); the security of correctional institutions and the escorting of convicts and persons taken into custody ('Department for the Protection and Escort of Convicts and Persons in Custody').

The total number of employees and military personnel of the State Penitentiary Service is about 3,700. As regards the gender ratio of employees, 27.1% are women and 72.8% are men. The majority of SSEP employees are young and middle-aged people. The staff in higher ranks is mainly made up of employees with higher and secondary specialised education. The level of education among employees is as follows: 56.6% of employees have higher education, 14.2% have secondary specialised education, and 29.2% have secondary education. More than half of the employees have one to five years of work experience, which cannot but affect the level of professionalism of the institutions (Omurkanova, 2014).

The term ‘correctional institutions’ refers to settlement colonies, correctional colonies, educational colonies, and prisons. There are twelve correctional institutions which can be broken down according to their classification as follows: four correctional colonies for men with a general regime, in which convicts are kept according to the closed-camp principle with accommodation in barrack-style premises; four correctional colonies with a strict regime, provided by law for men, in which convicts are kept according to the closed-camp principle in barrack-type premises; one correctional colony for men with a special regime, where convicts sentenced to life imprisonment are serving their sentences, as well as persons for whom life imprisonment has been replaced by a pardon for twenty years, in which convicts are kept in cell-style; one educational colony for male minors; and one correctional facility for females. Finally, there is one prison where the convicts serving their sentences – malicious violators of the established order of serving sentences – have been transferred from correctional colonies in the manner prescribed by the Criminal Executive Code of the Kyrgyz Republic, where convicts are kept in cell-style. At two correctional colonies there are medical and correctional institutions: a medical correctional institution (special hospital) with a mixed regime at correctional institution No. 31 for persons with tuberculosis and a medical correctional institution (hospital) with mixed types of regime at correctional institution No. 47.

There are also 19 settlement colonies, which are open-type institutions in which prisoners live, as a rule, in specially designed dormitories in which, under supervision, those sentenced to imprisonment for less than five years for crimes committed through negligence, as well as those convicted and transferred from correctional colonies after serving a main sentence in correctional colony.

Furthermore, there are five SIZOs designed for the cell-by-cell detention of persons subjected to pre-trial detention as a measure of restraint, i.e., those under investigation and registered with the courts until their sentence enters into force (including the stages of appeal).

The regime category of correctional colony No. 19 is even more conditional, since the colony is used for the detention of former law enforcement officers and of some other groups (those sentenced to a term of up to five years, convicted of so-called ‘economic’ crimes, convicted over the age of 50) (The Service of Execution of Punishments under the Ministry of Justice of the Kyrgyz Republic, 2022).

Legislation also provides for colonies with general and enhanced regimes for juveniles. For female convicts, the legislation provides for cor-

rectional colonies with general and strict regimes, as well as an educational colony with a general regime for minors.

### 3. *Demography and Types of Prisons and Colonies*

As of 1 July 2006, 15,249 persons were being held in the institutions of the GUIN. Of these, 8,402 – or 55% – were kept in correctional institutions and 4,194 – or 27.5% – were registered in settlement colonies. In recent years, there has been a clear decrease in the total number of persons held in the penitentiary system (for example, as of 1 July 2005, this number was 16,364 persons). The prison population index in Kyrgyzstan is 300–350 persons per 100,000 people in the general population, which, although average, is quite high, including for the Central Asian region.

We have to admit that the positive trend in reducing the prison population is the result not of a system of measures to humanise criminal legislation and law enforcement practice, but of multiple acts of amnesty, leading to the effect of ‘inflation of justice’.

This is confirmed by the stable and even slightly increased number of persons held in pre-trial detention centres compared to 2005 (the number increased from 2,613 to 2,653 people). Moreover, due to the non-acceptance by the Jogorku Kenesh (Parliament) of the Kyrgyz Republic of a package on the humanisation of criminal legislation submitted for consideration by the government in 2006, over a period of six months in 2006, 1,932 people arrived in correctional institutions, which is 22% more than the number of those who left (1,574).

The occupancy limit of the institutions of the penitentiary system is set at 20,263 prisoners, which is more than the number of people detained. However, in the presence of legislatively fixed norms of living space, according to which (Article 71 of the Penal Code of the Kyrgyz Republic) there cannot be less than two square metres of space per convict in correctional colonies, two and a half square meters in prisons, three square metres in colonies intended for keeping women, three and a half square metres in educational colonies, and five square metres in medical institutions of the penitentiary system.

As of 1 January 2013, about seven thousand people were kept in the correctional institutions of the Republic and over five thousand people were registered with the penitentiary inspection, totalling about twelve thousand people.

The correctional institutions are also used to hold those sentenced to the prison regime and the death penalty under a moratorium on its execu-

tion, even though, according to the law, pre-trial detention centres are places of detention and perform the task of ensuring measures of criminal procedural coercion. In particular, in connection with the introduction of a moratorium on the death penalty in the country, SIZO No. 1 in Bishkek and SIZO No. 5 in Osh held persons sentenced to an exceptional measure of punishment (Criminal Code of KR, 2002).

According to recent data presented in the report 'Monitoring the observance of the right to health protection of the prison population in the Kyrgyz Republic in the context of COVID-19', 8,724 prisoners were kept in the institutions of the State Penitentiary Service in 2020 (Ombudsman of the Kyrgyz Republic, 2020). The number of persons in places of detention in 2020 is 9.6% less than in 2019 (9,654 prisoners) and 22.2% less than in 2018 (11,214 prisoners).

Of the 8,724 prisoners, 324 (3.7%) were women, 11 (0.12%) were minors, 139 (1.6%) were pensioners over 60 years old and 58 people (0.7%) were persons with disabilities, of which 26 people fall into groups 1 and 2, and 32 people into group 3.

In terms of the structure of morbidity among prisoners, there were 183 people (2%) with an HIV infection, 83 persons (0.95%) with drug dependence, 22 persons (0.3%) with alcohol dependence, and 59 persons (0.7%) with tuberculosis. In 2020, according to reports, a total of 962 patients (11%) received medical treatment, of which 51 (5.3%) received inpatient treatment in civil healthcare institutions.

There are 9,600 prisoners in the penitentiary institutions of the country, according to the head of the Department for the Execution of Sentences and Special Records, Termechikov Bakyt. According to him, there are 5,300 prisoners in correctional colonies, 1,700 in pre-trial detention centres, and 2,500 in settlement colonies. 'The number of life-sentenced prisoners is more than 340 people. More than 400 people are serving sentences for extremism, and six of them are women. In total, there are 286 women in prisons,' said Termechikov (Kamchybekova, 2009).

#### 4. Human Rights Issues

This paragraph is based on the report 'Universal periodicals overview. Overview of the working group of the Kyrgyz Republic', presented by the public association Human Rights Council Bir Duino Kyrgyzstan and the Centre for Studying Public Opinion and Forecasting

In 2020, the number of those sentenced to life imprisonment (PLS) was 340. To date, no specialised institution has been allocated for persons

sentenced to PLS, and as a result they are kept in the basements of pre-trial detention centres and local areas on the territories of correctional institutions. Mortality among PLS, most common diseases among PLS are chronic diseases of the digestive system and respiratory organs. There are not sufficient paramedics and medical units to work with PLS. In this regard, there is not sufficient analysis of medical problems to track the increase or decrease in diseases for further prevention. The estimate approved by the Ministry of Finance of the Kyrgyz Republic for 2013 for the State Penitentiary Service under Article No. 3112 'Machinery, equipment' provides for 1,200,000 Soms, which is only 1.5% of the annual requirement. As a result of this situation, the provision of medicines to convicts is solved mainly with the help of international organisations and the relatives of convicts.

In the penitentiary system, the issues of keeping convicts remain unresolved, the level of budget allocations for the functioning of the penitentiary system remains insufficient, there are no qualified medical personnel and psychologists, and social security for employees of penitentiary institutions is insufficient. The detention conditions of those sentenced to life imprisonment do not comply with the UN Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, or other international obligations of the Kyrgyz Republic. Convicts do not have proper access to basic resources (decent living conditions, the necessary nutrition, medical care, living space, sanitary conditions, social rehabilitation programmes, etc.), equal rights qualified legal and advocate assistance, information, and communication with the outside world. In places of detention, there are no security conditions for either prison staff or convicts, or for persons visiting these institutions (Public Association 'Human Rights Council Bir Duino Kyrgyzstan and Centre for Studying Public Opinion and Forecasting 'El-Pikir', 2020).<sup>1</sup>

As a result of many years of advocacy work by civil society and human rights lawyers, the probation law came into force on 1 January 2019. The law provides for measures that allow ex-prisoners to quickly undergo social rehabilitation, including obtaining the necessary documents and continuing medical treatment, such as ART, OST, or tuberculosis treatment. The Department of Justice Inter-Agency Parole Working Group, which includes civil society groups, is working to ensure that pre- and post-release

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1 Human Rights Council. Universal Periodic Review. The Working group on review of the Kyrgyz Republic is presented from: NGO "Human Rights Movement: Bir Duino Kyrgyzstan", "Center for Public Opinion Research and Forecasting "El-Pikir".



rehabilitation programmes help ex-prisoners access community-based HIV and TB services.

### 5. *Social Work in the Prisons of the Kyrgyz Republic*

Penitentiary social work is one of the specific areas of social work with the population, carried out in line with the requirements of the penitentiary system. There is a clear need for social work with convicts since it creates conditions for the exercising of the rights of a group of people who find themselves in places of deprivation of liberty.

Social work is an important part of the penitentiary system because it improves conditions for people who find themselves in places of deprivation of liberty. The goal of social work is to help prisoners to maintain and create important and positive social contacts outside of the prison, and to increase the prisoner's ability to live independently and develop law-abiding behaviour. Following the requirements of the Universal Declaration of Human Rights, social workers must resist cruel or degrading treatment of prisoners, improve the sanitary and hygienic conditions of their prison stay, take measures to protect their health, etc. As stated in the Constitution of the Kyrgyz Republic, 'Everyone deprived of liberty has the right to humane treatment and respect for human dignity' (Article 22 of the Constitution of the KR) and social workers are responsible for providing for the needs of people in prison. The adopted Criminal Code of the Kyrgyz Republic provides for the principle of humanism, according to which, punishment and other measures of criminal law should not cause physical suffering or degrade human dignity (Ministry of Justice KR, 2021).

The goal of executing punishments and coercive measures of criminal law is not to violate human dignity, cause physical and moral suffering, or use torture and ill-treatment. The treatment of convicts is based on the recognition, respect, and protection of their right to the inviolability of human dignity. Kyrgyzstan is consistently taking steps to improve criminal legislation mechanisms ensuring the human rights of prisoners. The main focus of reforming the penitentiary system of the Kyrgyz Republic is the development of humanitarian values and adherence to international standards for the treatment of prisoners, according to the Ombudsman of the Kyrgyz Republic and the Coalition against Torture (Ministry of Justice of KR, 2019).

For a long time, correctional institutions did not include the position of 'social worker' in their structure. Social workers' responsibilities were

put onto the shoulders of other staff within the system, such as medical staff and military personnel. It was expected that the penitentiary system would improve the conditions for prisoners. This situation was changed in 2006, when the social worker position was officially introduced into the structure of the prison system.

The National Programme for Reforming the Penitentiary System of the Kyrgyz Republic, 'Umut', raised issues related to social work with prisoners, such as:

- humanisation of the penitentiary system,
- observance of guarantees to ensure the rights and legitimate interests of prisoners serving their sentences,
- creation of medical, social, psychological, labour, and rehabilitation centres and organisation of effective methods for working with prisoners;
- provision of conditions for the social rehabilitation and adaptation of prisoners to life in society after their release from places of deprivation of liberty (Government House, 2006).

Today, the purpose of social work with convicts in a correctional institution is to create prerequisites for the correction and resocialisation of convicts, as well as for their successful adaptation after their release from prison.

In the penitentiary system of the Kyrgyz Republic, there are eleven senior inspectors for social work in closed correctional facilities (Ministry of Justice 2019). Their responsibilities are:

- implementing social diagnostics of convicts, identifying persons in need of priority social assistance, and developing individual programmes for working with them,
- carrying out a comprehensive study of the personality of convicts in need of social assistance, in collaboration with employees of the psychological team and other services of the correctional institution,
- providing people in need with qualified social assistance and encouraging convicts to independently solve their social problems,
- providing assistance in strengthening convicts' positive social ties with the external social environment: with family, relatives, labour collectives and educational institutions, and public and religious organisations (associations),
- organising continuous work to prepare convicts for release,
- rendering assistance in matters of employment and accommodation arrangements for convicts released from a correctional institution,

- restoring identity documents, pensions, and disability statements to enable former convicts to purchase property.

The objects of the activity of social work specialists in a correctional institution are persons sentenced to imprisonment for committing crimes who need outside help and find themselves in a difficult life situation from which they cannot get out on their own. These include:

- the disabled, the elderly, and pensioners,
- oppressed drug and alcohol addicts,
- pregnant women and women with young children,
- patients with incurable diseases,
- juvenile convicts,
- convicts who do not have a permanent place of residence,
- convicts with mental disorders,
- those released from serving sentences on various grounds, who have social problems relating to their employment, living arrangements, medical issues, or social situation.

The activities of those carrying out social and psychological work in penitentiary institutions are guided by the Criminal Executive Code of the Kyrgyz Republic. Moreover, social workers should adhere to the internal regulations of correctional institutions of the penitentiary system of the Kyrgyz Republic, which determine the purpose and content of social work, its main goals, tasks, and functions, and the rights and obligations of employees.

These internal regulations also include a list of documentation compiled and maintained by the social work inspectors of penitentiary institutions. This document regulates the procedures for the interaction of state bodies in documenting convicts serving sentences in correctional institutions and persons held in pre-trial detention centres as suspects and defendants (Ministry of Justice KR, 2017 a.).

According to the Internal Regulations of Correctional Institutions of the Penitentiary System of the Kyrgyz Republic, an authorised employee of the institution is responsible for:

- determining the list of persons serving sentences or persons held as suspects or accused, subject to documentation using the 2017 model of passport,
- checking for the presence of a passport,
- in the absence of a passport, finding out the location of the passport or the circumstances of its loss,

- sending a notification to the relatives of a person serving a sentence or a person held as a suspect or accused, or to the relevant state bodies on the provision/sending of a passport to the appropriate institution, if it is impossible to establish the location of the passport or if there is information about the absence of a passport, clarifying the necessary information and completing the relevant paperwork/questionnaire on behalf of the applicant,
- preparing an appropriate application for documentation following the format outlined in the Regulations;
- sending an application for documentation along with the applicant's attached questionnaire by post or courier to the appropriate territorial department (Ministry of Justice of KR. 2019 b.).

In their daily practice, the senior inspector for social work conducts individual meetings with convicts to discuss their personal issues, analyses the data received and if necessary, prepares and sends letters to law enforcement and judicial authorities on the issue of restoring lost documents proving the identity of convicts, carries out work to restore lost family links with relatives of convicts, and, if the convict is illiterate – and also to provide social assistance and help with the resocialisation of the convict – sends clients to general educational and vocational educational institutions of correctional institutions of the penitentiary system.

Various issues are currently being discussed, such as increasing the number of social workers and psychologists working in the penitentiary system, activating the activities of social and psychological assistance services, creating counselling rooms for prisoners and staff, improving work on career guidance, employment, general education, and vocational training for convicts, providing opportunities for obtaining primary, secondary, higher, and vocational education for prisoners, and improving the process of preparing convicts for release.<sup>2</sup>

In general, in social work in the penitentiary system of the Kyrgyz Republic, importance is attached to complex measures of a social and preventive nature, ensuring the social, legal, and socio-psychological protection of convicts, creating conditions for independent socialisation, adaptation, and integration after release from punishment, conducting individual psycho-correctional work with convicts, studying the personality of convicts, promoting the formation of positive value orientations, maintaining socially useful contacts with the outside world, and maintaining contact with

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2 According to an informal interview with the senior inspector, the psychologist of the INS institution (20.10.2022).

the family, with the community, and with public, religious, and other organisations.

Social work with convicts in correctional institutions is based on the legal framework of the Kyrgyz Republic, including the Constitution of the Kyrgyz Republic, the Penitentiary Code of the Kyrgyz Republic, the Criminal Code of the Kyrgyz Republic, and the Strategy for the Development of the Penitentiary System of the Kyrgyz Republic for 2018–2023, as well as on the orders of the Ministry of Justice of the Kyrgyz Republic.

Thus, the Criminal Executive Code of the Kyrgyz Republic provides for the rights of convicts to social and pension security, social protection, legal assistance, personal security, decent treatment, etc.

The main forms of work on the social adaptation of convicts and psychological work include:

- Social diagnostics of convicts, aimed at identifying persons in need of social assistance,
- Development of individual programmes for social and psychological work with convicts,
- Provision of advisory, legal, and psychological assistance,
- Psychological assessments of the personality of the convict, individual and group therapy, including psycho-correctional therapy aimed at changing convicts' moral and value orientations,
- Development, organisation, and implementation of rehabilitation, adaptation, and other programmes intended to provide social assistance to convicts,
- Involvement of convicts in rehabilitation and special medical programmes,
- Organisation of classes (training, seminars) aimed at the resocialisation of convicts,
- Development of convicts' desire to independently solve their social problems,
- Involvement of state bodies in the fields of social protection of the population, pensions, employment, state registration, healthcare, education, and law enforcement, as well as local state administrations and local governments, in resolving the social problems of convicts,
- Involvement public, non-governmental, and international organisations in social work with convicts,
- Assistance in strengthening convicts' positive social ties with the external social environment: with family, relatives, labour collectives, educational institutions, and religious organisations (associations),

- Organisation of continuous work to prepare convicts for release and help them adapt to the conditions of life at large, including the provision of assistance regarding employment and accommodation arrangements for convicts released from a correctional institution,
- Help for convicts released from correctional institutions.

It also provides for the organisation of social assistance for persons released from correctional facilities.

No later than six months before the expiration of the term of punishment in the form of deprivation of liberty, the institution executing the punishment shall notify the local self-government bodies and the employment service at the convicted person's chosen place of residence about his forthcoming release, availability of housing, working capacity, and potential specialities.

Upon their written application and the proposal of the institution executing the punishment, convicted invalids in Groups 1 and 2, as well as convicts who have reached retirement age, are sent by social protection bodies to homes for the disabled and the elderly.

Other persons in need of social assistance, upon their written application and presentation by the institution executing the punishment, are sent to social adaptation centres.

After being released from imprisonment, persons suffering from alcohol and drug addiction, substance abuse, tuberculosis, and venereal disease, all of whom need to continue compulsory treatment, as well as persons living with HIV/AIDS, are – according to the legislation on the protection of health – subject to referral to special health institutions.

To assist persons released from prison, they are provided with free travel to their place of residence, as well as food or money for the journey within the territory of the Kyrgyz Republic. In the absence of clothing and footwear appropriate for the season, persons released from correctional institutions are provided with clothing and footwear at the expense of the state.

## *6. Socio-Psychological Work in Prisons*

The work of the entire psychological service is regulated by the instruction on organising the activities of the psychological service of the penitentiary system, approved by order of the State Penitentiary Service No. 107 of 5 March 2016.

The psychological service of the penitentiary system carries out its activities based on the principles of humanism, the priority of universal values, and professional competence. Based on the main tasks related to psychological work within the penitentiary system, psychologists in institutions should provide services for:

- Psychological diagnostics of persons in prison,
- Psychological counselling, especially in crises,
- Conducting group socio-psychological trainings,
- Psychological correction of behaviour and psychotherapy,
- Psychological prevention and education.

**Diagnostic:** consists of making a psychological diagnosis and writing a psychological portrait based on an in-depth, objective, and comprehensive study of the individual's personality to identify and describe psychological characteristics and conditions of formation; identifying persons belonging to the 'group of increased attention' and requiring preventive treatment by a psychologist; and studying social communities (groups of convicts, etc.) and the dynamics of socio-psychological phenomena and conditions.

Psychological diagnostics are implemented through the use of special psycho-diagnostic methods (testing, studying documents, conversation, observation, etc.) for studying a person and/or a group and psychological algorithms for processing and interpreting the information received.

**Diagnostic measures** are carried out by following an approximate list of psychological techniques recommended for use in the activities of psychologists.

**Advisory:** aimed at providing psychological assistance to the individual in solving personal psychological problems, developing the internal resilience of the individual to overcome crisis and problem situations, and providing assistance with career guidance and self-development, as well as solving official tasks, taking into account psychological factors.

**Psycho-corrective:** consists of a purposeful change in the socio-psychological attitudes and value orientations of the individual, teaching them techniques and methods of self-regulation and self-control, the formation of the necessary skills and abilities in the field of communication, and increasing resistance to adverse psychological influences and factors (stress, and critical and conflict situations). The State Penitentiary Service pays special attention to the reintegration of convicts into society. One of its areas of focus is the implementation of activities that contribute to the psychological readiness of released convicts for the realities of life post release. One effective method here is the use of art and music therapy. In

this regard, probation officers study and practice art therapy models and methods of rehabilitation.

As part of their role, the psychologist conducts psycho-corrective measures using individual and group forms of work (auto-training, socio-psychological training, etc.)

Within the penitentiary service under the Ministry of Justice of the Kyrgyz Republic, there are 17 staff positions for senior inspectors of psychologists in correctional institutions (Kudryavtseva, 2018).

## *7. Difficulties and Shortcomings in the Implementation of Socio-Psychological Work*

Some of the barriers and difficulties faced by psychologists and social workers should be noted. The results of the study carried out in nine institutions show that, in these institutions, there are no services for psychological correction, psychotherapy, or psychological diagnostics (there are no scientifically tested and recognised methods for assessing the personality of convicts and persons under investigation). There are also no programmes for psychological prevention, nor is there any education or systematic socio-psychological training for the staff.

The results of interviews with convicts show that only a third of them received the services of a psychologist at the institution, and only every seventh convict received the services of a social worker. The convicts' level of dissatisfaction with the services provided is quite high.

The results of observation in nine correctional institutions showed that in five institutions, it is hard for convicts to physically access a psychologist or social worker. No information or educational materials are provided about psychological and social services.

The infrastructure of psychological and social services in institutions is rigid. For example, the consultation room is located in the administrative building, and there are separate procedures for admission to psychological counselling. According to the study, this significantly limits the availability of psychological services and reduces the number of requests from prisoners for these services.

Currently, 18 psychologists work in the penitentiary system of the Kyrgyz Republic, of which only one specialist has a basic psychological education. Ten specialists have a higher legal education and six specialists are educated in another field (economics, engineering, transport logistics, customs, informatics, and communications). Only two specialists have



pedagogical education and one is qualified as a social worker. None of these specialists work under the supervision of a qualified psychologist/psychotherapist (Public Council of the State Penitentiary Service under the Government of the Kyrgyz Republic, 2019). The situation is similar when it comes to social services. Each of the eleven correctional facilities has a social worker, but none of them has a basic education in social work.

There is a quantitative criterion for the ratio of the number of convicts to one psychologist. Professional standards for the work of a psychologist in the prison system suggest that in order to perform quality work, a psychologist should be working in line with the following ratios (Yoon, Slade & Fazel, 2017): one psychologist per 150–160 adults deprived of their liberty; one psychologist per 50–75 prisoners of special categories deprived of their liberty (drug addicts, persons with mental disorders, those with life sentences, or those convicted of terrorist and extremist crimes); one psychologist for 60–75 minors, and for 20–25 in institutions for minors. Throughout the prison system of the Kyrgyz Republic, this figure is 1:470 for psychological services and 1:594 for social services.<sup>3</sup>

This means that the penitentiary system of the Kyrgyz Republic urgently needs to recruit qualified psychologists and social workers and to increase the efficiency of their staff.

Thus, according to the results of the study, psychological and social services are poorly staffed (in terms of the ‘number of full-time employees for the existing number of persons deprived of liberty’) and employees of the psychological and social services of correctional institutions do not meet the expectations of their positions in terms of educational and professional requirements. In addition, there is no system for supervising the work of these specialists (Public Council of the State Penitentiary Service under the Government of the Kyrgyz Republic, 2019).

As noted in the strategy for the development of the penitentiary system of the Kyrgyz Republic for 2018–2023, despite the measures taken by the Government of the Kyrgyz Republic and other state bodies, the situation remains unresolved in terms of providing citizens who have served and are serving a prison sentence with passports, which, in turn, entails a series of violations and infringements of these citizens’ constitutional rights and freedoms.

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3 The indicators were calculated as of October 2017, based on the data of the State Penitentiary Service of the Russian Federation on the number of convicts in correctional colonies: 6,534 people (for social services) and the total number of convicts in correctional colonies and pre-trial detention centers: 8,450 people (for psychological services).

The issue of establishing the degree of disability of persons in places of deprivation of liberty remains unresolved, meaning that it is also not possible to assign them a disability pension.

There are practically no specialised rehabilitation centres or other organisations in the country to provide the necessary support to persons, including minors, released from places of deprivation of liberty, or to provide them with shelter or temporary residence.

Today there is still a need for the systematic improvement and deepening of the initiated modernisation reforms regarding the mechanism for the execution of sentences and resocialisation of convicts, including minors, which should be carried out based on ongoing judicial and legal reforms.

### *7.1. Participation of Non-Profit Organisations in Social Work in Prisons*

The role of civil society in the development of the penitentiary system is very important. Today, thousands of non-governmental organisations are registered in Kyrgyzstan, which work in dozens of different spheres. According to the Ministry of Justice, in April 2018, 17,117 registered NGOs were registered in Kyrgyzstan (Ministry of Justice of the Kyrgyz Republic, 2018). On the basis of the interaction between the prison and civil society, the implementation of effective and innovative technologies is also taking place. Employees of the penitentiary system are trained in methods of social work with convicts through seminars and trainings organised by the Ministry of Labour and Social Development of the Kyrgyz Republic, international organisations, and NGOs.

As a result of constructive interaction with NGOs, public attention is now being paid to the problems of the penitentiary system, the protection of the rights of prisoners, the openness of the penitentiary system, the provision of legal assistance to prisoners, assistance in improving the conditions of their detention, and the medical and socio-psychological rehabilitation of prisoners.

As a possible way to solve this problem, our penitentiary system turned in the 1990s to 'Atlantis' – a model of therapy, psychological training, etc. that was brought to Kyrgyzstan by the Polish expert Pawel Moczydłowski. He is a sociologist, criminologist, journalist, and state official who had been responsible for reconstructing the prison system in Poland through reform projects, following the breakdown of the communist regime. He criticised the use of the Soviet-style system of colonies instead of a prison

system based on respect for the human rights of prisoners in line with international standards and UN conventions (Moczydłowski, 2015).

Moczydłowski introduced so-called 'Atlantis centres' and, later, a 'Clean Zone' in the colonies. Before introducing the "Clean Zone," a 12-step rehabilitation program based on the Atlantis Model was introduced and is now available in eight Kyrgyz prisons. These Atlantis programs differ in each facility by virtue of whether participants are housed privately from other prisoners. Entry is voluntary, but participation requires extensive participation in group therapy sessions and workshops with trained social workers for up to 18 months. Participants must sign a pledge to reject all psychoactive substances including medications to treat psychiatric or substance use disorders prescribed by physicians.

Graduates of the Atlantis program may opt to return to their prison units or transfer to the Clean Zone (Azbel et al., 2017, 2). The Atlantis programme for the treatment of drug addicts in correctional institutions has been operating since 2005 (Akipress, 2005). The Atlantis programme is a complex course of addiction therapy, used in combination with psychotherapeutic and psycho-corrective methods in small groups. Atlantis is based on the Minnesota model for the treatment of chemically dependent persons. The key components of this programme are the philosophy of the 12-step programme and participation in it. Rehabilitation programmes for drug-addicted prisoners are essential for preventing the spread of criminal activity within prisons. Atlantis rehabilitation centres exist in seven colonies of the Kyrgyz Republic (For.kg, 2014). Today, this type of treatment, rehabilitation, and resocialisation is available to persons addicted to psychoactive substances in every correctional colony. It works as follows. A separate room is created in the colony, which, is repaired and furnished with the necessary equipment with funding from donors.

Thus, conditions are created that stimulate the desire to 'clean up', undergo treatment and rehabilitation, and return to a normal, sober life ('sober' in the sense of both drugs and alcohol). They come to Atlantis voluntarily, having passed certain tests. Next, specialists begin to work with patients using special methods. Many note that people who have been treated at Atlantis are different. Their views differ from normal social attitudes; for example, they view the use of psychoactive substances, and sometimes even tobacco, negatively.

Realising that the result of the programme could be much more successful, we – on the advice of a well-known Polish expert in the Republic, Moczydłowski – decided to create a mini-colony, where convicts from the whole Republic – those who had undergone a course of treatment and rehabilitation, demonstrated steadfast commitment during this process,

completely refused psychoactive substances, and wish to deepen the process of resocialisation – would be treated.

This is how the Clean Zone was born, which was implemented with the help of the Programme for the Prevention of the Spread of Narcotics in Central Asia. The project 'Clean Zone' was presented and then, a separate, dilapidated building was allocated in colony No. 31 in the village of Moldovanovka, near Bishkek. From 2006 to 2007, it was renovated and equipped, and staff members trained at the expense of CADAP, the EU Central Asia Drug Action Programme (CADAP, 2016). The director, Irina Lapuzina, is a professional and a volunteer who was trained in Poland and has also completed numerous international and local trainings. Today, there are more than 40 clients in the Clean Zone and there are 100 seats, which will be filled as new patients appear. After successful treatment at an Atlantis rehabilitation centre, the best patients are sent to the Clean Zone Centre for Rehabilitation and Social Adaptation, where they continue their treatment according to the 12-step programme, which includes elements of social adaptation (professional training, occupational therapy), psycho-correction, and psychotherapy (LEAHN Law Enforcement and HIV Network, 2014).

The work of these programmes is aimed at carrying out the rehabilitation of convicts addicted to alcohol and drugs, and providing assistance in adapting to new life situations. These programmes are also educational in nature, which is of great importance in conditions of imprisonment. According to international researchers, the low subscription rate of the Clean Zone and high staff-to-client ratio suggest that, if the Clean Zone were to be continued, it would benefit from integration of stabilized methadone patients combined with a post-release aftercare program. However, extraordinarily hostile and negative attitudes persist among patients in the Atlantis program and the Clean Zone toward methadone treatment. This perception may, in part, have evolved from methadone being originally introduced as a harm reduction program alongside PNSPs. As such, methadone was viewed as a means to prevent HIV transmission, but not as an effective treatment for opioid addiction.

The Clean Zone, based on within-prison therapeutic communities, harbours profoundly negative attitudes toward OAT, incorrectly stating that individuals with addiction problems cannot be in recovery from their addiction as long as they take any form of psychoactive substance, including medications prescribed by a physician (Azbel, 2017).

## 7.2. Reintegration/Rehabilitation/Returning Home

Having been released from prison, a person faces difficulties in adapting to society, experiences stigma and social discrimination, and suffers from unemployment, lack of documents, and lack of education. It is difficult for them to get access to public services and health care. Problems of a social and legal nature constantly arise among convicts after their release.

The work of preparing convicts for release is an integral and top priority for social workers within the framework of a correctional institution. Social workers need to know all the clients problems during the period when they served their sentence and at the stage of preparing for release.

Also, social workers provide social services relating to employment and accommodation arrangements for convicts who find themselves in a difficult life situation, upon release and during their integration into society (Decree of the Government of the Kyrgyz Republic, 2014). In line with this Decree to provide social and other assistance to convicts preparing for release, correctional institutions, penitentiary inspectors, and social development bodies draw up a social ID of the individual requiring social assistance, which includes their basic social, medical, and legal needs and a social assistance plan.

To prepare the convict for release, a social worker prepares notices for the district employment departments and self-government bodies (all *okmotu*) regarding the convict's employment and accommodation arrangements. Senior inspectors for social work interact with state bodies and carry out visits to the territorial divisions of the Ministry of Labour and Social Development, the State Registration Service, boarding schools, nursing homes, municipal hostels, and non-governmental organisations.

Upon release from prison, the convicted person, in respect of whom the issue of employment has been previously resolved, is issued a corresponding letter for the district department of the employment service. When a minor is released, the social worker sends notifications to the guardianship authorities, divisions for juvenile affairs, internal affairs bodies, and the Commission for Minors and the Protection of Their Rights. The social worker also applies to local governments with a request to resolve the issue of finding the convicted person a job or study place and providing him with a living space.

The social worker is also mediator with non-governmental, international, religious, and public organisations on the provision of social support to convicts. The main task of a social worker is also to conduct social counselling – explaining to released convicts the need to comply with the

requirements of the current legislation of the Kyrgyz Republic, as well as the inadmissibility of committing new crimes.

Convicts are provided with relevant information related to their preparation for release, which contributes to both successful rehabilitation within the walls of the correctional institution and successful adaptation outside the institution. It also informs those released of the need to register with the internal affairs and probation authorities no later than five days after release.

The process of preparing convicts for release is defined by paragraphs 4–8 of the Procedure for the Interaction of State Bodies and Local Self-Government Bodies with the Administrations of Correctional Institutions in Matters of Providing Social Assistance to Convicts. According to this document, preparation for the release of convicts serving sentences in correctional institutions begins one year before the end of their term of imprisonment and includes the following activities (Decree of the Government of the Kyrgyz Republic, 2014): within 10 working days after determining that the convict is to be released within a year, the administration of the correctional institution sends information about the convict to the probation authority for their registration within the framework of penitentiary probation. A social worker from the institution conducts a conversation with the convict to determine his place of residence, work, or study after release; his needs for social, legal, and psychological assistance; his education, profession, necessary documents, medical and social services, and pensions; whether he has relatives and his relationship with them.

The administration of the institution organises for him, with his consent, paid work within the institution, to ensure his material independence when preparing for release. Also, the administration of the institution sends requests to state bodies (social development and employment, healthcare, education) and local governments regarding the possibility of providing social assistance to a convict preparing for release, relating to issues of material and domestic arrangements and other social needs, and sends notices to the guardian or the guardianship authorities if it is established that the minor is an orphan or left without parental care, to resolve issues of his social and accommodation arrangements.

Upon release, the convict shall be issued with his belongings, valuables, money stored in a personal account, identity documents, and other documents stored in their personal file, as well as a certificate in the established format indicating the grounds for release. If the convict does not have valid, in-date identity documents, a workbook, and a pension certificate in their personal file, the administration of the institution or body execut-

ing the punishment or other criminal law measure – together with the relevant state bodies – takes measures to formalise them (AFEW, 2018).

The social worker is obliged to maintain contact with released convicts by telephone for six months. Based on the statistical data, about half of the prisoners continue to commit crimes after being released from places of deprivation of liberty, and their number significantly exceeds the number of those convicted for the first time. This situation is related to the stigma surrounding convicts in Kyrgyz society, unemployment, low living standards, a lack of the necessary education, work skills, and legal knowledge, and poor social adaptation after release.

One of the stages of preparing a convict for release is finding employment. The main legislative document regulating labour and related legal relations is the Labour Code of the Kyrgyz Republic. It does not contain any restrictions on the employment of persons released from places of deprivation of liberty. But in practice, those released from places of deprivation of liberty experience great difficulties in finding work and employment (Criminal Executive Code of the Kyrgyz Republic, 2017).

One of the ways to overcome this situation is to organise job fairs together with specialists from the Ministry of Labour and Social Development of the Kyrgyz Republic in the institutions of the Penitentiary System INS. Within the framework of the fairs, representatives of the business community share information about the possibility of finding a job for citizens who are not serving their sentences in closed institutions. Representatives of the Ministry of Labour and Social Protection of the Population offer persons preparing for release a list of services provided by the state. Among them are short-term training courses, employment, and microcredit. Employment, both in colonies and after release, is one of the significant factors that contribute to preventing the recurrence of the crime, which will save the public funds allocated for the maintenance of the convict.

Preparation for the release of persons serving a sentence in a correctional institution begins six months before the end of their term of imprisonment. A record of the convicts whose term of imprisonment expires in six months is kept in a special journal. In turn, the preparation of convicts for release from a correctional facility includes such areas as the restoration and development of socially useful ties between convicts and relatives, intensive preparation for employment and accommodation arrangements after release, and assistance in restoring lost documents.

## *Conclusion*

Kyrgyzstan is consistently taking steps to improve criminal law mechanisms aimed at ensuring the observance of human rights. The main focus of the reforms to the penitentiary system of the Kyrgyz Republic is the development of humanitarian values and adherence to international standards for the treatment of prisoners. Over the past five years, great steps have been taken to humanise the Criminal Code and the Code of Criminal Procedure. There have been reforms to both criminal legislation and the penitentiary system. Various schemes for the development of the penitentiary system were considered.

Work is underway to introduce the institution of probation – a form of probation. In February 2022, the president signed the Probation Law. The new law defines the new responsibilities facing the prison system.

There is now an alternative form of punishment available, in which a person is not isolated from society but rather remains at home under the probation control of special institutions. Kyrgyzstan, in comparison with other countries of Central Asia, has made progress in terms of the legislative framework. There is another side to the effectiveness of the legislative framework: the implementation of laws.

Currently, in the penitentiary institutions of Kyrgyzstan, the processes of social adaptation and resocialisation have not been fully implemented, due to the peculiarities of prison conditions, and the lack of financial resources and professional skills among the staff. Many of the prisoners do not have a specific address, means of transportation, or documents. The social adaptation of prisoners is not well developed, and therefore, preventive measures against further criminalisation have a very weak impact. To minimise the destructive impact of the prison and the criminal environment, the convict must be persuaded to reconsider his criminal behaviour and helped to use the offered opportunities for assuming social responsibility when entering normal life after release.

The problem of access to quality medical care for prisoners remains relevant. The reason for this is not only the lack of medical personnel but often untimely medical care. The temporary detention of patients with severe, drug-resistant tuberculosis in institutions that do not specialise in the care of prisoners with tuberculosis, meaning that they are detained together with other prisoners before transportation, may also affect the regime environment of the institution as a whole, since it increases the risk of other prisoners and staff becoming infected. A particular subculture of prisoners is a problem in any prison. It is well known that a group of prisoners has their own values and norms of behaviour, which differ



from the norms accepted in society. However, the rules adopted in society also apply in the penitentiary. Thus, violence and drug abuse should not be tolerated in a penitentiary. It sounds quite simple, but it will work only if each employee complies with these rules and, on the whole, the penitentiary institution functions successfully and has a clearly defined structure of activities.

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