

10 Resocialisation Programmes in Kazakhstan

Dalida Mukasheva, Medet Kudabekov, Dinara Yessimova, Nurlan Tulkinbayev, Anna Konvisar

Introduction

In mid-2021 the prison population of the Republic of Kazakhstan (RK) was around 33,000, a decrease by half compared to the prison population in 2010 (Fair & Walmsley, 2021). 8,051 people were released from prison in 2020, and 8,130 in 2021. Each year, about one quarter of the prison population in Kazakhstan undergoes the process of resocialisation and prepares for release and life in the community.

The decline of the prison population in Kazakhstan over the last 30 years is an indication that the penitentiary system is being reformed towards humanising criminal punishment and showing respect for human rights. The decrease in the prison population is also linked to the introduction of alternative measures for imprisonment, in particular the introduction of probation services for juveniles and women and the creation of centres for adaptation and rehabilitation.

But problems remain and new approaches need to be found. This is evident by the fact that the total number of registered criminal offences is not decreasing but, on the contrary, increasing. For instance, in 2022, 127,480 crimes and offences were registered, which is 1.8% more than in 2021. Of these, 86% were crimes and 14% were criminal offences (Legal Statistics, 2022). Moreover, a significant proportion of the prison population has personal and psychological problems. For example, 13.1% of inmates suffer from addiction to alcohol and drugs and have various infectious diseases. Overall, 40% of inmates suffer from mental disorders. The educational level is low, especially among young people in prison (Konvisar, 2022).

After leaving the penitentiary system, ex-inmates face numerous barriers to their successful resocialisation, such as problems with housing, work, and social relationships. It is important to address problems of employment by engaging those (to be) released from prison in socially useful work and/or training and resocialisation programmes, including anti-drug and alcohol programmes or other forms of social activities (Legal Policy Concepts of the Republic of Kazakhstan, 2009).

When it comes to the process of executing the deprivation of liberty and the serving of the sentence, the resocialisation of prisoners is the main challenge facing the penitentiary system (Comprehensive Strategy, 2016). The scientific development of this problem can contribute to the identification of the most effective areas and methods of social work to impact prisoners positively. As the international instruments and the positive experiences of foreign practices show, the effectiveness of the resocialisation process depends on many circumstances, including the preparation of prisoners for release and the social and psychological assistance provided during the post-release adaptation period, as well as the competence of the institution's staff.

The Kostanai Academy of the Ministry of Internal Affairs, named after Shrakbek Kabylbayev, trains social work staff for the penitentiary system in Kazakhstan. At the academy, the training of specialists in social work has been carried out since 2012 by the Department of Organisation of Social Work in Internal Affairs Bodies (Konvisar & Mukhtabaev, 2018).

The introduction of social work into the practice of the penitentiary system is a necessary condition for the humanisation of criminal sanctions. However, the concept of social work in the penitentiary system as the most important means of correcting convicts is only at the early stages in the RK. The process of creating the legal framework and the organisational and administrative measures in the penitentiary system is currently underway (Seipieva, 2013).

The management of the Committee of the Penal and Correctional System of the Ministry of Internal Affairs of the RK recognises the need to improve the quality of professional training in the field of social and humanitarian knowledge. It is important for an employee of a modern penitentiary institution to have knowledge of social work and of the prevention of antisocial, criminal, or victimising behaviour in prisoners. The development of social work in the penitentiary system in the RK certainly has prospects, as social work has a universal nature that allows for the best consideration of the problem of an individual and the construction of the optimal way out of the problem (Seipieva, 2013).

In this chapter, we describe the process of resocialising prisoners in Kazakhstan and outline the main problems and prospects of social work in the penitentiary system based on a review of the literature and the results of our empirical research. We present the results of a joint study between the Department of Sociology at L.N. Gumilyov Eurasian National University (within the framework of the SOLID project) and the Department of Social Work Organisation in the Internal Affairs of the Academy

on ‘Organisational and Legal Aspects of Social Resocialisation of People Released from Imprisonment’.

More specifically, we identify the main directions of social work in the penitentiary system in the RK. The resocialisation of inmates is a continuous process that requires regular monitoring and a continuous search for new approaches to social work, as it is related to various interrelated problems, including health, poverty, drug use and stigma. Moreover, we have analysed the problems and prospects of the resocialisation of inmates in Kazakhstan in comparison with the best social work practices. Political support, finances, and human resources play an important role in the successful resocialisation of inmates. Furthermore, we compare the national legislation with minimum international prison standards, including the Mandela Rules, the Beijing Rules, and the Bangkok Rules. Kazakhstan’s national legislation complies with international standards, but the status and powers of a social worker are not specified in the legislation.

We address the following research questions: ‘What social values may deter a person released from a penal institution from re-offending?’, ‘Who should ensure that those released from prison return to their families?’, and ‘Who should address the issues of housing and employment of those released from the penitentiary system?’ Lastly, we analyse the resocialisation problems and prospects that prisoners in Kazakhstan face, in comparison to social work best practices. Overall, this chapter includes the following sections: Main trends in social work in the penitentiary system in Kazakhstan, national legislation and international standards for working with prisoners, analysis of problems and prospects for the resocialisation of prisoners in Kazakhstan, results of secondary data analysis, discussion and recommendations.

1. Main Trends in Social Work in the Penitentiary System in Kazakhstan

The penitentiary system of the RK is a social state institution, the main purpose of which is to combat crime, enforce penalties and other criminal-legal measures, and create conditions for the correction and resocialisation of convicts. It consists of 80 institutions, including 64 penal institutions and 16 remand centres. It also includes territorial probation bodies as well as economic, material, and technical support structures and specialised educational institutions. The highest governing body of the penitentiary system is the Committee of the Penitentiary System under the Ministry of Internal Affairs. At the regional level, there are territorial management structures called departments.

The first Article of the Constitution of 30 August 1995 states that the RK ‘proclaims itself a democratic, secular, law-based and social state whose highest values are the individual, his life, rights, and freedoms’. The reform of criminal legislation, including the penitentiary system, began with the humanisation of legislation to protect the rights and interests of citizens. A significant step in this direction was the moratorium on the death penalty. Furthermore, the expansion of the use of alternative forms of punishment is supported not only in order to reduce the cost of incarceration and the number of prisoners but also as change in the focus of the state’s criminal policy. This work is a continuation in the efforts to humanise legislation.

The main positive aspect of alternative punishments is that convicts are not deprived of their liberty and are given the opportunity to fully use and exercise their rights to work, choose their place of residence, communicate with their loved ones, and pursue other activities not prohibited by their court sentence (Leonov, 2018). In 2011, Kazakhstan legislated the possibility of using alternative means of conflict resolution in various spheres – family, civil, labour, and other legal relations. The enshrinement of mediation in the legislation of the RK was exclusively based on the analysis of the experience of foreign states (Mitskaya, 2018). The main outcome of humanisation has been a reduction of the prison population, which has improved Kazakhstan’s position in international rankings on the prison index (Sevryugina & Kuchukov, 2022).

The second area of reforms aimed at humanisation is the development of the probation service. The probation service of the RK was established in 2012, based on the previously existing penitentiary inspectorates. By now it is an integral part of the state law enforcement system and performs executive and administrative functions to ensure the execution of criminal sanctions without isolation from society (Zakhvatov & Baidildina, 2019). Particular attention is paid to the organisation of providing social and legal assistance to persons registered with the probation service. Social rehabilitation, the employment prospects of people serving criminal sentences, and psychosocial work with convicts are the main tasks and functions of the probation service in the RK.

One of the ongoing measures of the RK (2009) is the specialisation of courts, such as the development of juvenile courts and courts for judicial cases. Thus, reforms in the sphere of legal policy and the penitentiary system have been declared at state level, but when implemented, these reforms have not ultimately led to the penitentiary system being deinstitutionalised and transformed in line with international standards. In the opinion of many experts, this is primarily due to the lack of human

resources in the system and the incomplete integration of social security, health care, and rights protection systems for convicts.

However, the adaptation of ex-prisoners is not only a task for the penal system. This complex issue can be supported by the integrated cooperation of all authorised state bodies and non-governmental organisations (NGOs). The effectiveness of resocialisation depends on the extent to which different systems (justice, education, health, social protection, and community) can integrate around a person's needs (Abibulaeva & Kuvatov, 2019). Personal formation (socialisation) is the 'multifaceted humanisation process' of an individual's active adaptation to existing social conditions and the realisation of the experience gained through communication, behaviour, and activity. In recent years, the concept of 'resocialisation' has been increasingly used in the scientific literature alongside the purpose of punishment, such as 'correction'. These categories require a legal distinction. In the penal law of the RK (2014), resocialisation in penitentiary institutions is understood as the correction of a convicted person through assistance to restore them to the social status of a full member of society and return them to an independent life in society, whereby they respects the law and the generally accepted rules of conduct.

The problem of resocialising of convicts was expressed in the resolution of the Seventh UN Congress on Crime Prevention and Criminal Justice (Milan, 1985). Here, the international community for the first time turned its gaze towards the problem of the integration of societies, of which the problem of resocialisation is a special case (Kairbayeva, 2010). The first step regarding the issue of resocialising convicts was to improve the effectiveness of law enforcement and the judicial system in the RK by transferring the organisation and implementation of the rehabilitation of ex-prisoners to local executive bodies. Since 2011, the legislation has been amended so that the social rehabilitation of people released from prison has been entrusted to local executive bodies (Comprehensive Strategy, 2016).

The humanization of criminal and penal legislation places new demands on law enforcement and the probation service, which must be met. The efficiency of the probation service of the Ministry of Internal Affairs of the RK depends on the fulfilment of the tasks set for it by the Law 'On Probation', including the provision of social and legal assistance to registered people. Social and legal assistance to persons registered with the probation service is provided on the basis of the existing normative legal acts. These normative legal acts are used by employees of the penal system, the probation service, representatives of local executive bodies, public and NGOs.

Among the whole body of normative legal material, the following should be highlighted: the constitution of the RK, the Criminal Executive Code of the Republic of Kazakhstan, 'On Probation' (rules of the Probation Service, 2014), rules of providing free travel, food, or money to persons released from prisons to travel to the place of residence or work (Resolution of the RK Government, 2014), rules for carrying out educational work with imprisoned convicts, rules for the organisation of probation services (Rules of the Probation Service, 2014), the model regulation of the advisory body under local executive bodies to facilitate the activities of institutions and bodies executing criminal sanctions and other measures of criminal influence, as well as the organisation of social and other assistance to persons who have served criminal sanctions (Order of the Minister, 2014).

The leading role in the penal and correctional system of Kazakhstan to provide persons released from prison and registered with the probation service with the necessary amount of social and legal services is given to the state bodies, public associations, and citizens. Particular attention is paid to increasing the efficiency of interactions between all actors. The scope of social and legal assistance is determined by taking an individual approach. However, it should be noted that the probation service does not have all the necessary resources.

A great deal of social and legal assistance is provided by the local executive authorities. The local executive body is called an *akimat* – a collegial executive body, headed by the *akim* of the region (a city of republican significance) and the capital of the district, which is responsible for the local public administration and self-governance in the relevant territory. Local executive bodies establish consultative and advisory bodies, provide measures to promote employment, provide special social services to people in difficult situations in accordance with the legislation of the RK. The procedure for the provision of social and legal assistance is regulated by the Rules for the Provision of Social and Legal Assistance to Persons Registered with the Probation Service (2014). The rules are quite concise and regulate only the formation of an individual programme of social and legal assistance, as well as the hand over to the local executive authorities. The RK pays close attention to the problems of the penitentiary system and works with citizens serving sentences in places of detention, as well as with persons registered with the probation service.

As explained in this chapter, the preparation for the release of persons serving sentences begins on the first day of their stay in an institution. The Labour and Welfare Officer is responsible for organising this work, and the institution's staff members are also involved in preparing for

release (Minister's Order, 2014). In addition, the provision of social and legal assistance is also reflected in the Probation Service Regulations. These rules define the organisation of probation service activities, including the provision of socio-legal assistance (Probation Service Rules, 2014). An advisory and consultative body has been established under the local executive authorities to make proposals on social and other assistance and the rehabilitation of persons who have served criminal sentences, as well as on the activities of the bodies and institutions of the penal correction system. The consultative and advisory body is a legitimate form of activity directly enshrined in the legislation of the RK. The tasks of the consultative and advisory body include assisting in the employment and living arrangements of released convicts and organizing social and other assistance to persons who have served their criminal sentences. It is composed of the heads of the local executive bodies responsible for the administration and coordination of health care, employment, social programmes, culture, education, business, industry, land relations, and physical education. However, it should be noted that the decisions of the consultative-advisory body are of an advisory nature.

2. National Legislation and International Standards for Working with Prisoners

The revised Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN General Assembly in 2015 and known as the Nelson Mandela Rules are the newest international legal instrument containing anti-torture provisions. They are of great importance for the development of the national penal legislation, which has the current Penal Enforcement Code at its core. It contains a provision that 'the penal and correctional legislation of the RK is based on the constitution and on universally recognised principles and norms of international law'. Thus, Kazakhstan prioritises international legal acts devoted to the sphere of criminal justice and the treatment of convicts. It is necessary to note that the significance of international legal acts is highlighted in penitentiary science, where it is recognised that these standards 'support the development of humanisation in the penal system'.

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) entered into force in January 1976. The ICESCR has been ratified by the Republic of Kazakhstan (International Covenant on Economics, 1966). Of particular relevance to the rights of prisoners is Article 11, which establishes the right of every person to an adequate standard of living. It includes the right to adequate food, clothing, and housing and

the continuous improvement of living conditions. In addition, Article 11, Paragraph 2, recognises the fundamental right of every person to be free from hunger. Additionally, Articles 6-13, and 15 of the ICESCR detail the right to work; the right to suitable conditions of employment; the right to organise trade unions; the right to social security and social insurance; the right to protection of the family and children; the right to health; the right to education; and the right to take part in cultural life, respectively. The Committee on Economic, Social, and Cultural Rights (CESCR) oversees the implementation of the ICESCR.

Many countries have had positive experiences with resocialising convicts and international standards represent one of the most important levers for improving the penitentiary system. International standards force one to pay attention to current practices and promote more effective and humane management of penitentiary institutions. Other countries' experiences with penitentiary probation show that the functions of service staff of penitentiary institutions can include working with inmates to strengthen special adaptation, as well as protecting and representing the inmate in their relations with family members, social authorities, employees of educational institutions, and possible employers. The service staff's main activity is to prepare inmates for social adaptation after release. However, probation officers also do other things to help prisoners maintain contact with the outside world such as establishing links with lawyers, etc.

The participation of the RK in the combat of transnational crime, which is becoming increasingly organised, socially dangerous and affects the security interests of many states, brings with it the task of making national criminal legislation conform with the principles and norms of international law and agreements. The process of implementing and developing new standards is gradual, involves multiple components, and is associated with a range of pitfalls. In this regard, the analysis of international experiences and case studies can provide insight into the challenges faced and overcome. It is useful to draw lessons from the experience of other countries and the international contexts achieved so far worldwide.

In Germany, the Federal Constitutional Court defined the resocialisation of prisoners as the purpose of the execution of criminal punishment in 1973, which is also enshrined in the Corrections Act, which came into force in 1977. The norms of this law state that correctional institutions are designed to 'incorporate' those released from prison so that they can 'live a life without crime in the future in a socially responsible manner'. In Germany resocialisation includes the following activities: counselling on personal problems, predicting the difficulties that the inmate may face after release and ways to overcome them, working to build and increase

the motivation to improve one's life, provision of material assistance in the form of various types of benefits and assistance in finding housing, and assistance in gaining a general or vocational education. The application of specific measures is determined on a strictly individual level, based on the needs of the inmate.

In Germany, various projects individually support persons released from prison in their everyday lives. For example, in the Resocialisation and Social Integration Programme, which began in Cologne in 2009, support was provided for young offenders between the ages of 14 and 17. The social manager established contact with the inmates while they were still incarcerated. After their release, the social manager helped the inmate look for a place to live and apply to the state authorities for social assistance in the form of benefits and employment assistance. During the time the programme was running, the repeat offence rate for the juveniles who took part was 7.7% (Moeller, 2020).

It should be noted that a similar practice exists in the UK. Here, the National Association for the Provision and Resettlement of Offenders plays the main role in the social adaptation of released prisoners. It takes care of the employment and medical care of released prisoners, as well as the protection of their rights and interests. The medical, social, and psychological aspects of inmate rehabilitation are the responsibility of social workers and psychologists. It is imperative that they are part of the staff of all units of the penitentiary system.

In Sweden the rehabilitation of incarcerated people is based on training them in a variety of professions and enabling them to continue their general education. Prisoners sentenced for more than one year are transferred from the national prison to local prisons to undergo a period of pre-release adaptation. Sweden's correctional system includes 140 factory farms and 25 agricultural and forestry associations, where a wide variety of products are produced, and logging and forestry work is carried out. Rehabilitation programmes provide regular two-to-three day exits for prisoners and even short releases before they are officially released. In general, prisoners are given time before their release to prepare for integration into society. Note, for example, that in Sweden there is one social worker for every five prisoners. If the state does not have sufficient resources – sponsors, councils, foundations etc. play an important role in society. These types of channels also exist for the social rehabilitation of prisoners.

Many scholars have identified a range of significant factors to advance social work policy, practice, and research in prisons. Given the inherent tension between prison security goals and prisoners' mental health needs, social work can serve as a facilitator to address this issue (Fedock, 2017).

Well organized work based on international standards contributes to the mental and physical health of prisoners, the creation of collective relationships, successful preparation for release, and further resocialisation.

In Finland, prisoners are, by law, allowed to choose their working hours. This can be work or study. Both activities are paid for by the state. Production activities include metalworking, carpentry, construction, agriculture, fiberglass boat manufacturing, crafts, etc. Working hours are 40 hours per week, with Saturdays and Sundays off. In some prisons prisoners are held only at night and work in civilian enterprises during the day.

In many countries, prisons employ specially trained counsellors and social workers to conduct a risk assessment of all prisoners' risk of reoffending as soon as they arrive in prison. Based on the risk assessment, this staff develops and updates individual plans for reintegration into the community. There are various options for dealing with the lack of housing upon release, such as finding rental housing, living with family or friends, living in public or subsidised housing, finding housing in 'halfway houses' or transit centres, or finding housing in specialised centres for ex-prisoners that are maintained by community and religious organisations, where the necessary resocialisation assistance is provided (Williams, 2016).

In Italy, the emphasis in terms of the resocialisation of prisoners is on preserving and strengthening family ties. For this reason proposals are being made to increase the duration and frequency of meetings between inmates and their families, as well as to lift restrictions on the number and duration of telephone calls or video calls between inmates and their families. The Roman Catholic Church and NGOs play an important role in the resocialisation of convicts in Italy.

3. Problems and Prospects for Resocialisation Programmes in Kazakhstan

In order to obtain a professional opinion on the issue of social resocialisation of persons released from prison, we used methods of statistical and comparative analysis, reviewed the content of the regulatory framework and implemented NGO projects with state funding for 2017–2021, and conducted a survey among employees of penitentiary institutions using a questionnaire. Interviews with the employees of penal institutions were conducted under the supervision of the Kostanai Academy of the Ministry of Internal Affairs. Overall, 268 staff members of penal institutions were interviewed about their attitudes towards the social resocialisation of persons released from prisons using a formalised questionnaire.

In order to understand what the main problems of resocialisation are, we performed three main analytical tasks: we explored the views of staff in penal institutions, we examined the process of resocialising convicts and the main obstacles in implementing the programme in Kazakhstan and we examined the role of NGOs and the state in the resocialisation and social adaptation of convicts. Due to the specific nature of the topic, there were limitations surrounding data collection, and this affected the number and quality of respondents' answers. The questionnaires were sent to the heads of the penal and penitentiary institutions and distributed to the staff. The questionnaire was originally intended for employees who work directly with inmates and assist them after their release, but we could ultimately not control which employees actually completed it. For the analysis of qualitative data the main themes were coded in order to categorise them and identify a pattern. The coding enabled us to see which answers to the various questions were most common among respondents.

The majority of respondents were between 26 and 45 years old, of whom 190 (84.1%) were included as they worked directly with inmates. In those aged 18–25, 29 employees (12.8%) were included, and of those aged 46–60, of whom 7 (10.7%) were interviewed.

Table 1: Level of Education

Education level of respondents	Qty	%
Vocational secondary	49	21
Unfinished higher vocational	10	5
Higher professional	169	74

As can be seen from Table 1, the majority of respondents (74%) completed higher education, and 21% have a vocational secondary education.

In Kazakhstan, the main type of institution within the penitentiary system is the correctional institution. In contrast to prison, it introduces inmates to labour activities, as well as vocational and general educational training. By type of penal and correctional system institution, the number of respondents was as presented in table 2. Depending on the criminal-legal and correctional characteristics, a distinction is made between colonies with general, strict, and special regimes. Women serve their sentences in colonies with general and strict regimes, juvenile convicts, as well as convicts left in educational colonies until the age of 21 serve their sentences in educational colonies with general and reinforced regimes (for boys) and general regimes (for girls). In addition, there are semi-open-type facilities

(open-type colonies) and closed-type facilities. Thus, representatives of all major types of prison system took part in the survey.

Table 2: *Types of Institutions Respondents Were Employed In*

Type of institution within the penal system	Qty	%
Medium security institution	72	33.2
Maximum security institution	33	15.5
Emergency security institution	39	18
Total security institution	44	1.5
Mixed security institution	50	23
Minimum security institution	194	8.8

We had initially planned to conduct a survey of those employees who are directly involved in the resocialisation of inmates. However, as we did not have the opportunity to monitor the process of questioning in the institutions, this was not possible. As a result, we could only analyse the data we did manage to collect. The main competencies of the interviewed employees of the penal system are presented in table 3. As illustrated respondents directly worked with inmates and thus the main kinds of activities in penal institutions are represented in the survey.

Due to the limitations of the database, secondary data analysis was used to obtain a broader picture of the issue. These secondary data consisted of a review of existing data (statistics, strategy, protocols, and other research) shared by other professionals in the penal system.

Table 3: *Professional Competencies of Respondents*

Professional competency	Qty	%
Educational	61	28
Security	20	9.2
Operational and regime	58	26.6
Labour organisation	18	8.3
Social rehabilitation	5	2.3
Psychological	10	4.6
Employees performing all professional competencies within institution	19	8.7

4. Findings

This section presents the findings of the study. As noted in the methodology section, the findings are based on secondary data from official bodies and the results of the analysis carried out.

5. Results of the Survey

The analysis of the Penal Enforcement Code of the RK has shown that the organisation of theological rehabilitation work with convicted persons in penitentiary institutions is also a part of resocialisation. The purpose of the penal and correctional legislation of the RK is the restoration of social justice, correction of convicts, and prevention of new criminal offences committed by both convicts and other persons.

The respondents of the survey indicated that the most successful form of social reintegration used in the penal and correctional institutions of Kazakhstan is the school for preparing inmates for release from the penal system (45%), followed by direct links with businesses for the employment of released persons (21%) and the labour exchange (20%) (Figure 1).

The formation of social services within the penitentiary system of the RK provides the opportunity not only to restore the missing links in the penal system but also to give it integrity, consistency, and a qualitative structure. As part of the resocialisation of prisoners, the administration of the penitentiary institution determines the means of correction to be used and assists inmates in their social adaptation. Social adaptation and psychological assistance (Article 125) are provided to prisoners on an individual basis according to their needs. State bodies, local executive bodies, and the public may also be involved in providing social and legal assistance to convicts.

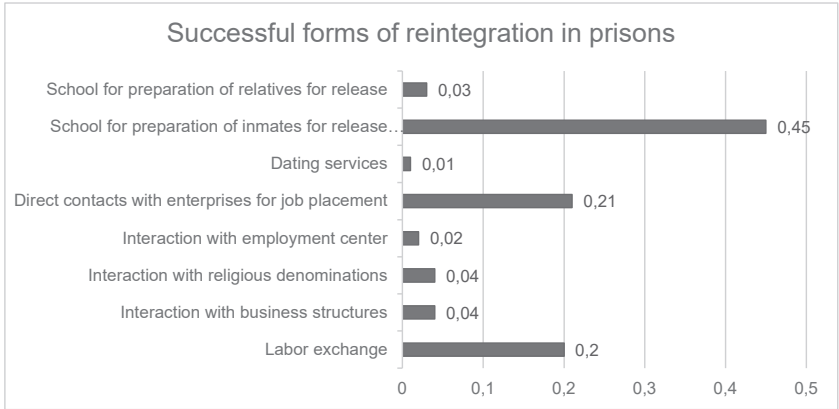


Figure 1: Successful Forms of Reintegration in Prison.

The following question was asked: “Mark the forms (directions) of social reintegration that, in your opinion, are successfully applied in the institution of the penitentiary system in which you work.” Multiple answers are possible.

The penal and correctional legislation of the RK includes a chapter entitled ‘Assistance and supervision of convicts released from serving their sentences’. This resocialisation programme involves convicts who have reached the end of their sentence. In this case the prison administration notifies the local executive bodies and the internal affairs authorities at the convict’s chosen place of residence of their impending release, their housing situation, ability to work, and possible professions. The prison administration prepares an individual programme for the inmate regarding the amount of social and legal assistance required for social adaptation after release, which is sent to the local executive body at the inmate’s chosen place of residence. If convicted persons with disabilities or of retirement age do not have housing they may be referred to medical and social institutions for the elderly and disabled. Other persons in need of social assistance can also apply or be referred to social adaptation centres.

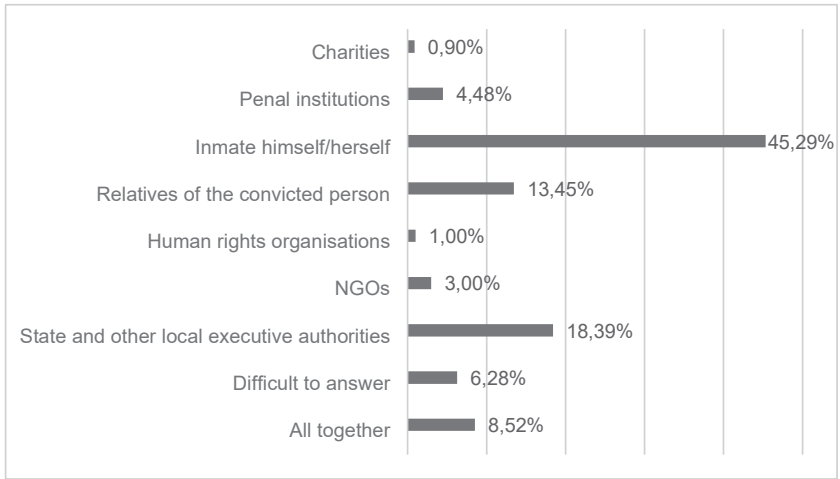


Figure 2: Attitudes of Prison Staff with Regard to the Responsibility for Helping People Released from Prison to Find Housing

The following question was asked: “Who, in your opinion, should primarily ensure that persons released from the penitentiary system find housing?” Multiple answers are possible.

An overview of the answers to the question ‘Who, in your opinion, should be responsible for helping people released from prison to find housing?’ is presented in figure 2. When it comes to the resocialisation of convicts, the probation service’s priority is the employment of those released from prison. The state employment policy aims to ensure that citizens find full, productive, and freely chosen employment that is implemented, inter alia, through measures that facilitate the employment of persons experiencing difficulties in finding a job (Comprehensive Strategy, 2016).

Persons released from serving a punishment in the form of arrest or imprisonment are provided with free travel to their chosen place of residence or work, as well as food or money for the journey within the territory of the RK. If a person is released from an institution and does not have the necessary seasonal clothing or footwear, or funds to purchase them, he/she is provided with clothing and footwear at the expense of the institution that executed the punishment. In many Kazakh cities, rehabilitation centres have been set up for those released from prison. NGOs and religious associations are involved in the provision of social services. However, there are no statistics on service providers.

Next, the respondents' opinions on what social values they believe help to keep a released prisoner from reoffending were investigated (see Figure 3). It turned out that family was the key indicator (55%), followed by material resources (14%) and social environment (10%). These responses are in line with the responses of the convicts, who also view family as the most important factor (80.1%). This finding allows us to conclude that, according to the prison staff, the family of an inmate is the most likely to be capable of ensuring the social adaptation of an inmate upon release and thereby prevents reoffending. Material resources and social environment are also considered important factors for inmates that help them to successfully resocialise.

Therefore, we would like to emphasise the necessity of convicts to maintain family relations. The social worker, too, can play an important role by providing social assistance, support, and protection to a particular individual to prepare them for life on the outside.

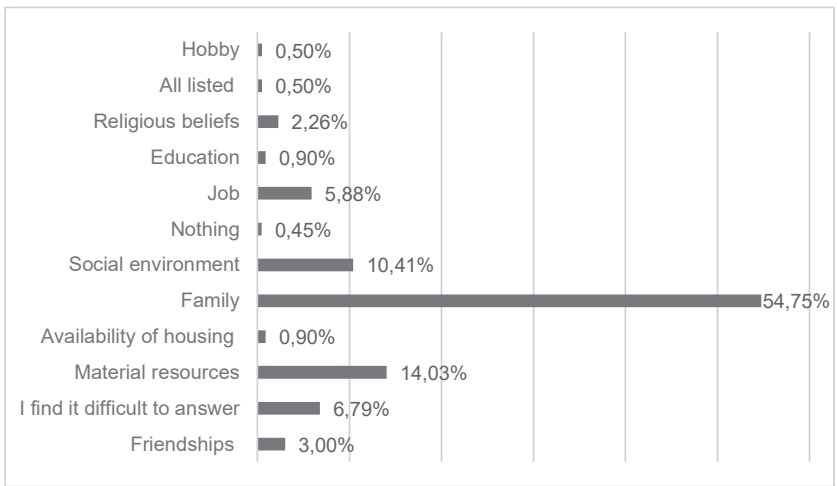


Figure 3. Attitudes of Prison Staff – What Keeps People from Reoffending?

The following question was asked: “What social values may deter a person released from prison from reoffending?” Multiple answers are possible.

The Penal Execution Code and the Law on Local Public Administration and Self-Governance state that *akimats* are responsible for the social adaptation of prisoners who have served their sentences in places of detention (Law RK No. 148-II, 2001).

Specifically, they are responsible for providing persons released from prison with assistance regarding employment as well as in everyday life, allocating quotas of jobs, as well as encouraging the employee to support and assist them.

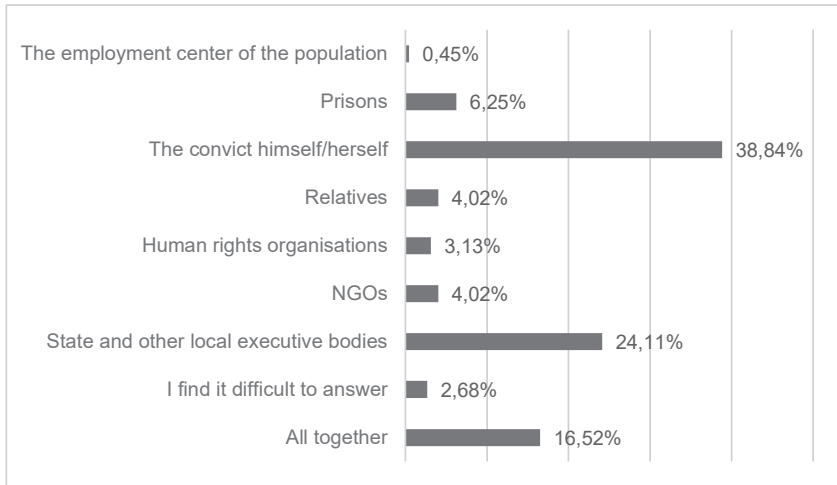


Figure 4: Attitudes of Prison Staff towards the Responsibility of Finding Employment for People Released from Prison.

The following question was asked: “What social values may deter a person released from prison from reoffending?” Multiple answers are possible.

As mentioned previously, for successful resocialisation it is important to start planning the release process as early as possible. When we asked prison staff respondents about who, in their opinion, should primarily be responsible for ensuring that persons released from penal and correctional system institutions find employment, the majority answered: the convicted person (39%); followed by the state and local executive bodies (24%) (Figure 4). The resocialisation of persons deprived of their liberty includes the process of restoring the social functions, roles, and status that they lost as a result of committing a crime, being convicted, and serving their sentence in a place of detention. An array of measures, including medical, psychological, educational, and, social measures, are necessary to regain full social functioning.

At present, one of the problems is the issue of resocialising ex-convicts. Our state has formed and operates a probation service, similar to most

European countries. Therefore, in the process of preparing an inmate for release, it is necessary to use the possibilities of the Probation Law, which provides for a new type of probation within the penitentiary system. On the basis of this law, various measures aimed at the successful social adaptation of convicts after serving their sentence should be carried out. Within this process, the support of state organisations and their joint work with public organisations is of great importance.

In general, we can conclude that the penal and correctional legislation of the RK does not make use of all possibilities for the resocialisation of convicts. In practice, inmates released from prisons cannot always rely on the administration and staff of the institution, as our research shows (see Figure 4).

Table 4: *Is Preparing Inmates for Release from an Institution Part of Your Professional Responsibilities?*

Answer options	Qty	%
Yes, included	111	49.8
No, not included	108	48.4
Yes, previously	4	1.8

Preparing inmates for release from the penal system institutions is part of the professional duties of 111 respondents (49.8%), not part of the professional duties of 108 respondents (48.4%), and four persons (1.8%) that they used to be engaged in such activities. Thus, the total number of respondents with direct knowledge of the problems surrounding the social resocialisation of persons released from prison is 115 (51.6%).

In the opinion of penitentiary system staff, the following measures, which can be roughly divided into two groups, should be taken to intensify the social resocialisation of persons released from institutions: The first group of measures is related to the activities of state bodies. It includes the adoption of a separate state programme for the social resocialisation of persons released from correctional institutions (72 people [32.9%] agree), the inclusion of this direction in Kazakhstan's priority national projects (25 people [11.4] agree), and creating additional incentives for entities providing assistance in social resocialisation (37 people [16.9%] agree). The priorities named by the staff on the resocialisation of persons released from the penitentiary system are consistent with the respondents' positions on the importance of the activities of other state bodies in addressing resocialisation, and the lack of political will and economic incentives for participation in social resocialisation to address the problem.

The second group of measures is related to the increased involvement of the population, NGOs, and businesses in the resocialisation of persons released from the penal system. One measure, for example, is the active involvement of business structures in this work, something that 20 people (9.1%) suggested should be put into practice. Another is the implementation of the idea of public-public partnership in the field of social resocialisation, which 11 respondents (5%) indicated as a priority. Fifty-one people (23.3%) expressed a different opinion (which they did not indicate) or responded that they found it difficult to answer the question.

6. *Results of Secondary Data Analysis*

An individual's behaviour after serving their sentence does not only depend on the impact of the educational influence of the penal institution, but also on the influence of the post-penitentiary adaptation period. Therefore, re-establishing normal communication links is an important process in the social adaptation of prisoners.

The central role in assisting the social adaptation of prisoners released from the penal system is assigned to local executive bodies, public associations, and NGOs. Our analysis of the problems surrounding social adaptation for those released from the penitentiary system has shown that social adaptation is very problematic without the help of the staff of the penitentiary system, the probation service, and representatives of other state bodies. For persons released from the penitentiary system, the social adaptation process is a rather complex problem whose solution depends not only on the timeliness of the releasees' domestic and labour arrangements but also on the probation services of authorised state bodies and public organisations monitoring the behaviour of the released person during the period of their social adaptation.

Today, NGOs are the state's most important partners in the social sphere. According to a desk study, in 2021 over 22,000 NGOs of various orientations, 3,700 religious associations representing 18 confessions, 3,500 media organisations of various forms of ownership, 234 public councils, and three major national trade union associations, including 36 sectoral and 19 territorial organisations, were officially registered in Kazakhstan. Notably, the activities of half of the NGOs were concentrated in three regions (Almaty region, Astana and Karaganda). Fewer NGOs operate in Northern and Western Kazakhstan.

Using the keywords 'probation', 'resocialisation', 'convicts', and 'prisoners', the search engine of the official website 'NGO Database' (NGO, 2021)

of the Committee on Civil Society Affairs of the Ministry of Information and Public Development of the RK identified 265 NGOs dealing with the resocialisation of prisoners for the years 2017–2021.

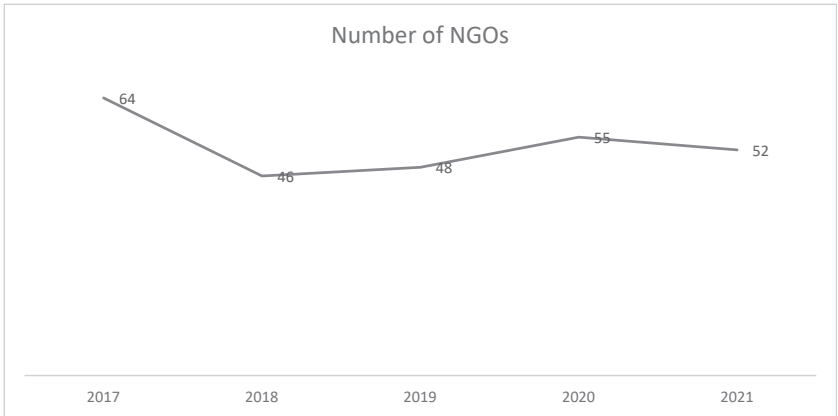


Figure 5. Number of NGOs Working on Resocialisation Programmes in Kazakhstan (2017 to 2021)

According to Figure 5, we see a slight decrease in the number of NGOs dealing with issues relating to convicts and crime prevention among young people in 2021 compared to 2017. According to reports from 2021, the organisations financing the most projects are Penal Reform International in Central Asia (Astana city), the Public Fund Taldykorgan, the Regional Fund of Employment Assistance (Almaty region), the Public Association Rakhim-Sauap (Turkestan region), the Public Association Support of People Living with HIV (Kuat), and the Public Fund Answer East (Kazakhstan region).

Figure 6 shows that with increased funding, project activity also began to increase from 2019. For example, in 2017, the average funding for one NGO did not exceed 10 million tenge, and the number of active NGOs was at the level of 50%. For comparison, in 2021, funding for one NGO increased by 50%, while NGO activity increased by 12%. Thus, we conclude that funding has little effect on the active work of NGOs.

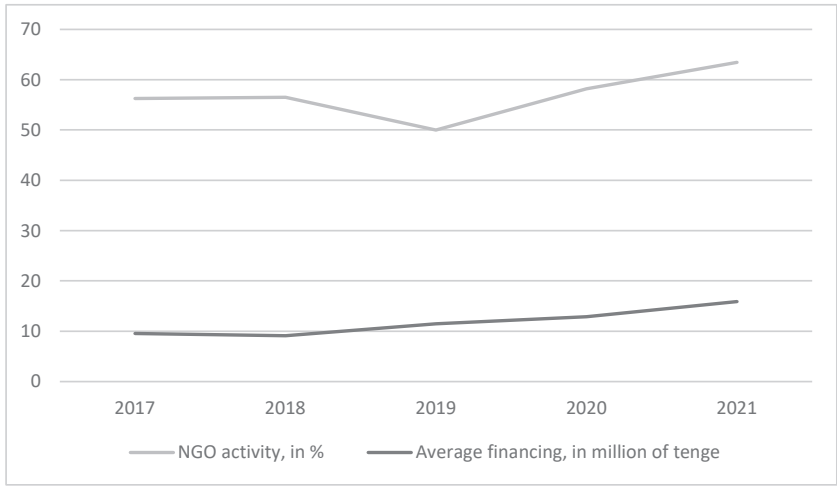


Figure 6. NGO Activity and Average Project Funding

According to the plans of grants for NGOs to assist probation services in the provision of social and legal assistance to persons in custody 27.3 million Kazakh tenge was allocated for the following topics: support for social adaptation services for persons released from prison (5.278 million Kazakh tenge), a set of counselling services for young people released from prison (22.017 million Kazakh tenge), (Civic Initiatives Support Centre, 2021). The main activities implemented by NGOs are aimed at raising inmates' awareness about their rights and providing counselling services aimed at the social rehabilitation of young people in difficult life situations. These activities include the establishment of a social adaptation service for persons released from prison in cooperation with probation services and the provision of temporary accommodation for young people released from prison.

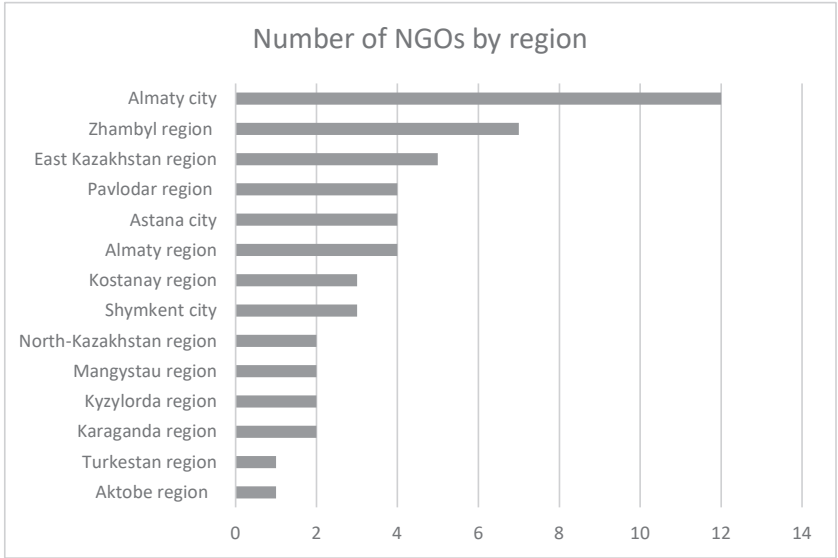


Figure 7: Number of NGOs by Region in 2021

The region with most NGOs providing services to people who have been released from institutions registered with the probation service is Almaty city (12), followed by the Zhambyl region (7), and the East Kazakhstan region (5). The smallest number of registered NGOs providing resocialisation services is in the Turkestan (1) and Aktobe regions (1).

According to the results of the analysis, we can conclude that in most parts of the RK, there is an uneven distribution of NGOs. This means that social services do not sufficiently cover all regions of Kazakhstan to aid the resocialisation of inmates released from prison. Local executive bodies should expand and develop social services for these citizens to ensure their successful resocialisation and prevent reoffending.

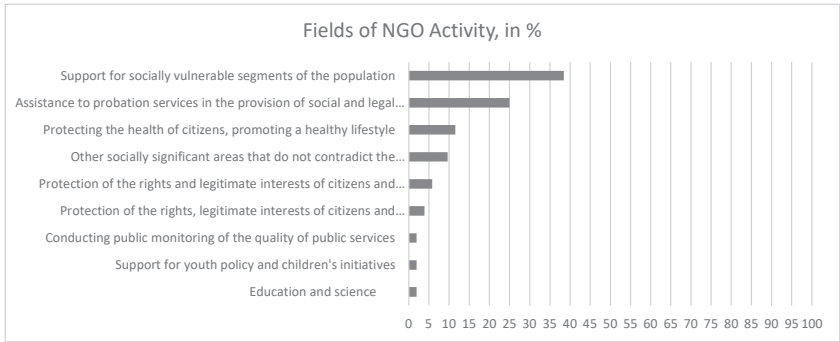


Figure 8: *Fields of NGO Activity in 2021*

An analysis of the NGO activities in 2021 showed that 25% assisted probation services by providing social and legal support. 40% support socially vulnerable segments of the population. For convicts who are at the stage of resocialisation, the main criterion for receiving social services is a difficult life situation. The state mainly allocates funding not for the prevention of crime and resocialisation of all convicts, but to help vulnerable groups.

The state is the main, but not only, source of funding for NGOs. Businesses, donors, the fundraising system, social media, and traditional media also play an important role. Civil society and the rule of law are united by a number of structural links, without which neither can exist successfully. In the Constitution of the Republic of Kazakhstan, the concept of the rule-of-law state implies the mutual management of civil society and the state, and the reduction of the state monopoly on power through a change in the freedom ratios of the state and of society simultaneously, in favour of the latter and the individual.

7. Discussion

An analysis of the current situation has shown that the state has created the conditions for further improvement of and introduced mechanisms for the social rehabilitation of citizens released from prison and registered with the probation service. It has done so by qualitatively improving the activities of state bodies, involving NGOs in these activities, and strengthening interdepartmental cooperation and interaction between the state and society.

There are many tools in the scientific literature to enable successful implementation of resocialisation programmes for inmates, or at least to reduce the negative impact of prison subculture and personal values, especially for young people. Naturally, these processes require the state and the administrations of penitentiary institutions to change their approaches to working with people. One example of this is the Inside-Out Prison Exchange Program (Smoyer, 2020), which promotes dialogue and learning across deep social divides through in-prison courses involving higher education students and incarcerated students. This programme might motivate an enthusiasm for learning by encouraging participants to find their own unique voice and think about how they can change the world. The programme also provides equal opportunities and a chance to have positive experiences in developing and striving to change lives for the better.

Naturally, innovative approaches to working with inmates, such as the Inside-Out Prison Exchange Program, require legislation, political support, funding, and training. The lack of political will of the authorities to invest in the rights of prisoners is a recurring theme among those interviewed and is seen as a particular challenge to the implementation of such innovative approaches (Prais, 2021).

8. Recommendations

One of the ways to improve the assistance in the social adaptation of those released from the penitentiary system, in our opinion, is to introduce penitentiary probation in Kazakhstan. Here probation officers would establish contact with the relevant services of the penitentiary system in order to assist in the social adaptation of inmates after release. They should conduct visits to inmates, prepare them for release, plan follow-up supervision, and continue the education that was carried out while they were serving their sentence. The term ‘probation’ was not used in the legislation of the Republic of Kazakhstan until 2012 (Law of the Republic of Kazakhstan, 2012).

But the institution of probation in Kazakhstan cannot work effectively without the active support of social services and the civil sector. NGOs are not only providers of social services but also an active element in changing policy and public opinion to reduce the harm caused by the penitentiary system. Looking at the data we found that NGOs do not pay sufficient attention to resocialisation services. For example, in 2021 only three applications were submitted to the Centre for Support of Civic Initiatives for

social support for citizens released from places of incarceration, aimed at their effective resocialisation.

Thus, we can conclude that NGOs are not very active in terms of resocialisation. Perhaps this is because the policy of the penitentiary system remains punitive, a punishment for the 'unworthy' citizens of society. Accordingly, funding for projects aimed at innovative approaches is not always supported by the state and society, due to the strong stigmatisation of the status of 'prisoners' and prisons. For example, in 2021, NGOs implemented 4,297 social projects, of which only 23 projects were for people on probation and those released from prison.

At the moment, the labour activities of inmates are not planned by the state. At the same time, due to the difficult economic situation and subsidies of some entities of Kazakhstan, there has been a significant reduction in funds allocated for the implementation of regional programmes in recent years. Furthermore, new programmes do not include support of productive activities within the penitentiary system. Thus, many people released from prison have lost all their job skills, making it difficult for them to find employment. At the same time unemployment leads to a high level of recidivism.

Lastly, the analysis shows that the main source of funding for NGO projects is the state budget. However, the state does not fully support the development of services in this area. The main donors are international organisations, not the state. We recommend increasing the state's investment in resocialisation services for convicted persons.

Bibliography

- Abibulaeva, A. B. & A. K. Kuvatov (2019). Social and pedagogical aspects of resocialization of convicts, *Bulletin of the Kazakh National Women's Pedagogical University*, 3, 273–279.
- Action plan for the further implementation of the Comprehensive Strategy for the Social Rehabilitation of Citizens Released from Places of Detention and Registered by the Probation Service in the RK for 2020-2021: Order of the Minister of Internal Affairs of the RK dated 19 February 2020, accessed from the information and legal system normative legal acts of the RK "Adilet".
- Civic Initiatives Support Center (2021), available at: <https://cisc.kz/> (accessed 10 September 2022).
- Comprehensive Strategy (2016), available at: <https://adilet.zan.kz/rus/docs/U1600000387> (accessed 9 July 2022).

- Concepts of the legal policy of the Republic of Kazakhstan (2009). Decree of the President of the Republic of Kazakhstan, No. 858 “On the Concept of the legal policy of the RK for the period from 2010 to 2020”, available at <https://adilet.zan.kz/rus/docs/U090000858> (accessed 10 September 2022).
- Constitution of the Republic of Kazakhstan dated 30.08.1995 (as amended on 23 March 2019), accessed from the information and legal system of normative legal acts of the RK “Adilet”.
- Criminal Executive Code of the RK dated 05.07. 2014 No. 234-V ZRK, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- Decree of the Government of the Republic of Kazakhstan, 2014, available at <https://adilet.zan.kz/rus/docs/P1400001255> (accessed 29 July 2022).
- Fair, H., & R. Walmsley (2021). World prison population list. *Educare*, 5.
- Fedock, G. L. (2017). Women's psychological adjustment to prison: A review for future social work directions. *Social Work Research*, 41(1), 31–42. *International Economic Covenant, 1966. Conventions and agreements*, available at https://www.un.org/ru/documents/decl_conv/conventions/pactecon.shtml (accessed 19 October 2022).
- Konvisar, A. & K. N. Mukhtabaev (2018). Development of the specialty “social work” at the Kostanay Academy of the Ministry of Internal Affairs of the RK named after Shrakbek Kabylbayev: current state and development prospects. *b.m. b.n.*, 110-114.
- Konvisar, A. (2022). Social work in the penitentiary system: a textbook. Kostanay: Kostanay Academy of the Ministry of Internal Affairs of the RK named after Shrakbek Kabylbayev.
- Kairbayeva, L.K. (2010). Restorative justice and resocialization of convicts. Abstract of the dissertation for the academic degree of Doctor of Philosophy, Astana: b.n.
- Law of the Republic of Kazakhstan (2012), available at: <https://adilet.zan.kz/rus/docs/Z1200000556> (accessed 27 September 2022).
- Legal statistics (2022). legal statistics, available at <https://qamqor.gov.kz/crimestat/indicators/criminal> (accessed 5 October 2022).
- Leonov, D. N. (2018). Alternative types of punishments as a way to humanize legislation, *Advanced Science*, 236–238.
- List of electronic tracking devices used by the probation service of the penitentiary system and police officers of the internal affairs bodies of the Republic of Kazakhstan: Decree of the Government of the RK dated November 7, 2014 No. 1180, accessed from the information and legal system of regulatory legal acts of the RK "Adilet".
- Ministerial Order (2014), available at: <https://adilet.zan.kz/rus/docs/V14C0010050> (accessed 9 July 2022).
- Mitskaya, E. V. (2018). *Mediation in the criminal process of the Republic of Kazakhstan*. Scientific Yearbook of Institute of Philosophy and Law Ural. Department of Ros. acad. Sciences, 18(3), 103–121.

- NGO Database (2021), available at <https://infonpo.gov.kz/> (accessed 10 August 2022).
- On administrative supervision of persons released from places of deprivation of liberty: Law of the RK, dated 15 July 1996, accessed from the information and legal system of normative legal acts of the RK “Adilet”.
- On approval of natural norms of nutrition and material and everyday support for suspects, defendants, Convicts and Children in Children’s Homes of Institutions of the Penitentiary System and samples of uniforms for convicts, as well as the rules for providing free travel, food or money on the route of persons released from serving a sentence in the form of arrest or imprisonment, to a place of residence or work: Government Decree of November 28, 2014 No. 1255, accessed from the information and legal system of normative legal acts of the RK “Adilet”.
- On approval of the Comprehensive Strategy for the Social Rehabilitation of Citizens Released from Places of Detention and Registered by the Probation Service in the RK for 2017-2019: Decree of the President of the RK, dated 8 December 2016, No. 387, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On approval of the Model Regulations on a consultative and advisory body under local executive bodies to promote the activities of institutions and bodies executing criminal penalties and other measures of criminal law, as well as the organization of social and other assistance to persons who have served criminal sentences, order of the Ministry of Internal Affairs RK, dated 28 November 2014, No. 853, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On approval of the Rules for conducting educational work with convicts sentenced to deprivation of liberty: order of the Ministry of Internal Affairs of the RK, dated 13 August 2014, No. 508, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On approval of the Rules for organizing the activities of the probation service, order of the Ministry of Internal Affairs of the RK, dated 15 August 2014, No. 511, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On approval of the Rules for the provision of social and legal assistance to persons registered with the probation service, Government Decree of 23 October 2014, No. 1131, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On employment of the population: Law of the RK, dated 6 April 2016, No. 482-V, accessed from the information and legal system of normative legal acts of the RK “Adilet”.
- On local public administration in the Republic of Kazakhstan: Law of the Republic of Kazakhstan, dated 23 January 2000, No. 148, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.

- On probation: Law of the RK, dated 30 December 2016, No. 38-VI ZRK, accessed from the information and legal system of normative legal acts of the RK “Adilet”.
- On the state social order, grants and awards for NGOs in the Republic of Kazakhstan: Law of the RK, dated 12 April 2005, No. 36, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On the Concept of the legal policy of the RK for the period from 2010 to 2020: Decree of the President of the RK, dated 24 August 2009, No. 858, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On the National Concept of Social Development of the RK until 2030: Decree of the Government of the RK, dated 31 December 2013, No. 1443, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On the prevention of delinquency among minors and the prevention of child neglect and homelessness: Law of the RK, dated 9 July 2004, No. 591, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- On the prevention of offenses: Law of the RK, dated 29 April 2010, accessed from the information and legal system of normative legal acts of the RK “Adilet”.
- Pelzer, R., & M. Moeller (2020). Resozialisierung und Reintegration von (ehemaligen) Inhaftierten aus dem Phänomenbereich „islamistischer Extremismus“, Berlin: Counter Extremism Project (CEP) Germany..
- Prais, V. (2020). The Implementation in Canada of the UN Standard Minimum Rules for the Treatment of Prisoners: A Practitioner’s Perspective, *Journal of Human Rights Practice*, 12(3), 730–767.
- Rules for the interaction of probation services and police units to control the behaviour of persons registered with probation services, Order of the Ministry of Internal Affairs of the RK, dated 18 August 2014, No. 517, accessed from the information and legal system of regulatory legal acts of the RK “Adilet”.
- Seipieva, K. R. (2013). Penitentiary law and penitentiary security: theory and practice. b.m., *Samara Law Institute of the Federal Penitentiary Service of Russia*, 279–282.
- Sevryugina, A. E. & K. M. Kuchukov (2022). Problems of humanization of criminal legislation on the example of the Republic of Kazakhstan. *Student Science Days*, 309–311.
- Sliva, SM & C. Samimi (2018). Social Work and Prison Labor: A Restorative Model, *Social Work*, 63(2), 153–160.
- Smoyer, A., 2020. Teaching Note—Taking Social Work Undergraduates Inside: The Inside-Out Prison Exchange Program, *Journal of Social Work Education*, 56(1), 186–192.
- The Plan of the Nation – 100 Concrete Steps to Implement the Five Institutional Reforms of the Head of State Nursultan Nazarbayev, *Kazakhstanskaya Pravda*, 20 May 2015.

- Williams B. D. (2016). Employment and housing models for people with criminal records, Resource Material series No. 99. *Tokyo, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders*, September, 45–57.
- Zakhvatov, I. & R. K. Baidildina (2019). IV International Penitentiary Forum “Crime, Punishment, Correction”. b.m., b.n., 100–103.

