

Problems of the development of post-penitentiary probation in Kazakhstan

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Abstract. The purpose of this study was to conduct a critical analysis of the practice of post-penitentiary probation in Kazakhstan. Terminological, hermeneutic, and comparative methods were employed. The study explored the essence of probation, identified its main types, and examined post-penitentiary probation as an integral component in greater detail. The experiences of Norway and Sweden in this area were analysed, and it was established that these states effectively implement penitentiary probation through a combination of measures: guaranteeing humane treatment, adhering to the principle of normalisation, implementing individual supervision, facilitating the reintegration of released convicts, and reducing recidivism. The importance of incorporating these measures into the Kazakhstani system as prospects for development was emphasised. As a result, a comparative analysis of Kazakhstan's national legal acts and the international framework regulating penitentiary probation was conducted. Specifically, the following aspects were compared: the rights of persons released from prison; the definition of probation; the main principles and types of probation; means of rehabilitation and resocialisation; and the application of post-penitentiary probation. Additionally, statistics on the crime and security indices in Kazakhstan, Norway, and Sweden were analysed. It was found that Norway had the most favourable indicators, with a crime rate of 32.6 and a security index of 67.4; Kazakhstan occupied a middle position with scores of 45.9 and 54.1, respectively; while Sweden recorded a higher crime rate of 48.4 and

Suggested Citation

Article's History: Received: 14.03.2025 Revised: 25.05.2025 Accepted: 25.06.2025

Tleshaliyev, N., Tleubayev, A., Duisenbayeva, G., Tsoy, A., & Smanova, A. (2025). Problems of the development of post-penitentiary probation in Kazakhstan. *Social & Legal Studios*, 8(2), 131-143. doi: 10.32518/sals2.2025.131.

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a security index of 51.6. The state of post-penitentiary probation provision in Kazakhstan was investigated, and its main problems were identified: high recidivism; insufficient supervision of former convicts; lack of financial resources; limited social and legal assistance; discrimination based on criminal records; low levels of inter-agency cooperation; and a shortage of qualified personnel. The findings of this study may be useful in identifying ways to address these issues in Kazakhstan

Keywords: probation; imprisonment; correctional institution; released convicted persons; regulatory legal act

Introduction

The issue of providing post-penitentiary probation in Kazakhstan remains relevant due to the challenges faced by individuals released from correctional institutions. These challenges include a high rate of recidivism, social stigmatisation, and deficiencies in the system of support for reintegration into society. Such problems highlight the urgent need to establish and enhance the system of control and assistance for persons on probation. Addressing these challenges is essential for preventing repeat offending, reducing recidivism, ensuring respect for human rights, and strengthening social security in Kazakhstan. For this reason, the experience of Norway and Sweden in the post-penitentiary probation system is of particular importance, as these countries have effectively implemented measures to ensure proper conditions of detention and assistance for individuals on post-trial probation (PTP).

Thus, A.E. Lerman *et al.* (2024) investigated the effectiveness of a joint supervision programme for individuals in the PTP, known as the Pathways Home Programme, compared with a traditional supervision system. It was found that participants in the programme were more likely (by 17%) to attend their first meeting with a probation officer within 48 hours of release and were less likely (by 14%) to breach the terms of probation within one year of release. The authors emphasised that Pathways Home Programme is an effective tool for successfully completing the probation period for high-risk individuals and demonstrated the value of encouraging the participation of convicts in the reintegration process.

The study by M. Berghuis *et al.* (2022) aimed to examine how different patterns of prison visits – specifically their duration, frequency, and consistency – affect the behaviour of offenders following their release. The researchers found that certain visitation patterns, such as more regular and timely visits, were associated with a reduction in offending during the trial period. It was emphasised that maintaining consistent and timely prison visits is an important factor in the successful reintegration of former prisoners and the prevention of recidivism. In turn, K.K. Rakhimberdin (2024) analysed the institution of detention as a form of punishment within the criminal legislation of Kazakhstan. The author examined the regulatory and practical aspects of the application of arrest as a punitive measure, identifying contradictions and shortcomings in legislative regulation, including discrepancies in legal concepts, lack of clarity in procedural norms, and challenges in harmonising detention practices. The researcher concluded that addressing these issues would enhance the effectiveness and transparency of detention as a form of punishment within Kazakhstan's criminal justice system. In parallel, G. Rakhimova *et al.* (2024) analysed the state of Kazakhstan's penal system, focusing on the disparity between legislative intentions and the actual experiences of recidivists. The authors observed that the penal system is in decline and fails to meet the needs of the citizens of

Kazakhstan. The researchers stressed the need for fundamental reforms to ensure compliance with legal standards and to align with public expectations.

Meanwhile, S.T. Toedtman (2024) examined the Norwegian criminal justice system, particularly the contrast between its international reputation for advanced rehabilitation methods and criticism from domestic stakeholders. The study highlighted that low recidivism rates and the provision of humane detention conditions are strengths of the Norwegian probation system. However, the researcher noted that as a result of the Avbyråkratiserings- og effektiviseringsreformen reform, funding for certain rehabilitation programmes was reduced, which negatively affected the quality of services provided to convicts. S. Koffeld-Hamidane *et al.* (2023) conducted a qualitative study on how meetings with probation officers assist individuals who have served their sentences in avoiding a return to criminal behaviour. The study found that support, respect, and meaningful interaction during such meetings are key factors that encourage individuals to refrain from further criminal activity. The researchers concluded that improved communication between probation officers and their supervisees enhances motivation and reduces the risk of recidivism. In particular, E.A. Weswasi *et al.* (2023) conducted a quasi-experimental study to analyse the relationship between recidivism and the period following release from prison among adult offenders who were first-time detainees in Sweden. The results indicated that changes in the length of imprisonment do not influence recidivism rates, regardless of the criteria used to measure this indicator. The authors emphasised that the duration of imprisonment has minimal impact on the likelihood of reoffending after release.

In their study, P.J. Bäckström *et al.* (2022) evaluated the predictive validity of the Risk-Need-Responsivity Assessment (RNR-A) instrument used in Sweden by analysing recidivism data from 2,442 offenders over a 24-month follow-up period. The results demonstrated satisfactory predictive accuracy, with ROC-AUC values ranging from 0.67 to 0.76, indicating high reliability of the instrument in identifying individuals with varying levels of risk. The researchers found the RNR-A scale to be effective, although its predictive power was lower among offenders convicted of violent crimes compared to other types of offenders.

Despite the extensive scientific foundation on probation and its implementation, a significant gap remains in the study of the provision of post-penitentiary probation, particularly in Kazakhstan. There is also a lack of comprehensive and up-to-date research concerning the experiences of Kazakhstan, Norway, and Sweden. Even fewer studies incorporate a comparative perspective that examines national and international legislation, as well as the experiences of multiple legal systems in relation to post-penitentiary probation. The purpose of this study was to determine how post-penitentiary probation is provided in Kazakhstan and

to identify the main developmental challenges and future prospects for this form of probation. The principal objectives of the study were as follows:

- to investigate the positive aspects of the experience of Norway and Sweden in the provision of post-penitentiary probation;
- to conduct a comparative analysis of the legislation of Kazakhstan and international legislation on penitentiary probation;
- to examine the conditions for the provision of post-penitentiary probation in Kazakhstan, as well as measures to prevent recidivism, and to identify current problems and future prospects.

Materials and methods

To interpret and analyse the regulatory legal acts, a terminological method was employed, which facilitated the study of the concept and content of post-penitentiary probation, as well as probation more broadly. Additionally, the hermeneutic method was applied to establish the meaning of these definitions within a broader legal context, particularly to examine how these concepts are implemented in practice in the jurisdictions of Kazakhstan, Norway, and Sweden. To conduct a comparative analysis of the legal framework of Kazakhstan and international provisions in the field of penitentiary probation, the study referenced key regulatory legal acts, including the Law of the Republic of Kazakhstan No. 38-IV LRK “On Probation” (2016), and the Constitution of the Republic of Kazakhstan (1995), which are the primary national legal instruments in this area. Furthermore, the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (1990) was used to illustrate key international standards for ensuring penitentiary probation. In addition, the following regional instruments were included for comparison: Recommendation of the Committee of Ministers No. CM/Rec(2010)1 “To Member States on the Council of Europe Probation Rules” (2010), and Directive of the European Parliament and of the Council No. 2016/343 “On the Strengthening of Certain Aspects of the Presumption of Innocence and of the Right to Be Present at the Trial in Criminal Proceedings” (2016).

The comparative method was crucial to the study, enabling the comparison of the provisions of Kazakh and international legal instruments on penitentiary probation, especially in relation to the core standards for its provision. In particular, the analysis focused on the following aspects: the rights of individuals on probation; the definition of probation; the fundamental principles of probation; types of probation; means of rehabilitation and resocialisation; and the implementation of probation.

In addition, statistical data from the World Population Review (2025) for the second half of 2024 were analysed with respect to the crime rate index and the safety index in Kazakhstan, Norway, and Sweden. The Global Organized Crime Index is updated every six months. Specifically, the Global Organized Crime Index is calculated by dividing the total number of registered crimes by the total population, with the result then multiplied by 100,000 to yield an indicator per 100,000 people. This methodology enables comparison of crime rates across different regions and population groups. It is important to note that the crime rate is influenced by multiple factors, including socio-economic variables such as unemployment and poverty, the level of

law enforcement activity, and demographic aspects, particularly the age structure of the population.

Results

The experience of Norway and Sweden as advanced countries in providing post-penitentiary supervision. In general, probation is a criminal law instrument that grants a person found guilty of an offence the right to be released from serving a sentence in the form of deprivation of liberty or other punishments, or to be partially exempted from such a sentence. The application of probation is conditional upon compliance with specific requirements and is subject to monitoring by judicial or other authorised bodies (Dominey & Canton, 2022). Such conditions may include participation in counselling and rehabilitation programmes; restrictions on contact with certain individuals or bans on visiting specific locations; meetings with a probation officer; attendance at court sessions when required by judicial decision; stable employment or enrolment in specialised programmes aimed at supporting the reintegration of offenders into society, among others (Brooker *et al.*, 2020; Ruhland & Scheibler, 2021;).

Thus, the offender is granted the opportunity to remain in the community, which contributes to the process of rehabilitation while also safeguarding public security (Probation Explained: Everything..., 2024). The primary aim of probation is to facilitate the resocialisation of the offender and support his reintegration into society without the imposition of a custodial sentence. The focus of this process is the creation of conditions that enable the individual to return to a socially productive and socially adapted way of life. Probation therefore functions as a mechanism for mitigating punishment and providing social intervention based on principles of control, supervision, and trust (Moroz & Horislavska, 2024).

According to the United Nations Interregional Crime and Justice Research Institute (1997), probation is categorised as follows: Pre-trial probation – involves an agreement reached before the accused is found guilty or before they admit guilt (Dhami & van den Brink, 2022); Community supervision – allows the offender to serve a sentence outside prison but under continuous supervision by the relevant probation authorities (Jiang *et al.*, 2022; Schaefer *et al.*, 2022); Post-penitentiary probation, also known as “post-release supervision”, applies to individuals who have served a prison sentence and are released under the condition of ongoing probationary oversight (Kuć, 2021; Chasciar *et al.*, 2025).

Thus, post-penitentiary probation is a central component of the probation system as a whole and may be characterised as a comprehensive approach to the reintegration of offenders into the community. This approach focuses on the psychological, social, and economic factors that determine the success of reintegration. A notable feature of this system is the provision of support tailored to the individual needs of each offender; probation officers develop a personalised plan for each supervisee, based on an assessment of the risk of reoffending and specific needs (Mertl, 2022). Such an approach has proven to be more effective in preventing recidivism. Moreover, public supervision, which emphasises support and assistance rather than direct control, promotes the involvement of non-governmental organisations (NGO) and local authorities (Stanek *et al.*, 2021). Hence, the essence of post-penitentiary probation lies in its function as a transitional phase between imprisonment and a return to full participation in society (Youssef, 2023; Jasiński, 2024).

Crucial to the implementation of PTP at the national level is the adoption of advanced international experience, particularly that of countries such as Norway and Sweden, which are recognised as leaders in the field of probation and maintain low recidivism rates. Both countries share a common approach to probation, which prioritises providing individuals on probation with appropriate support and access to services equivalent to those available to the general public (Todd-Kvam, 2020). In both jurisdictions, PTP is integrated into the correctional system, which is oriented towards the individual characteristics, risks, needs, and capacities of those under supervision. To support the effective and gradual reintegration of individuals on PTP, Norway and Sweden extensively apply progressive assessment methods and community-based programmes. Between 2020 and 2025, both countries continued to enhance their probation systems, employing the latest technologies and comprehensive intervention models to improve outcomes. The effectiveness of the post-penitentiary probation systems in these countries is evidenced by their consistently low recidivism rates and stable levels of public safety (Priestley & Vanstone, 2022).

Thus, the Norwegian concept of punishment is based on the principle of normalisation, which stipulates that the serving of a sentence should be as close as possible to life in freedom. This principle is particularly evident in the probation system, where the focus lies on the gradual transition of prisoners from high-security correctional institutions to open-type facilities, rehabilitation centres, and ultimately to release under community supervision. A key feature of the provision of post-penitentiary supervision in Norway is the state's commitment to supporting the reintegration of released individuals into normal social life. To this end, such individuals are offered assistance from local municipalities in securing employment, accessing education, receiving medical and social support, and, in general, are accompanied by the responsible authorities throughout the reintegration process.

An important tool for supervising individuals on PTP is the electronic monitoring system, which allows offenders to serve their sentences under house arrest. It should be noted that in recent years (particularly in 2023-2024), a trend has emerged indicating that the use of such monitoring in Norway is associated with a slight decrease in recidivism rates. Specifically, recidivism among individuals serving sentences under electronic monitoring ranges from 6% to 12%, compared to 5% to 15% for those held in custodial institutions. Thus, the application of this system reduces the burden on the penitentiary system and supports reintegration by maintaining family and community ties (Weswasi, 2025).

An integral aspect of post-penitentiary probation in Norway is the collaboration between probation officers and local organisations responsible for employment, housing, and access to healthcare services, as social security is essential to effective relapse prevention. Furthermore, rehabilitation programmes targeting individuals with substance abuse problems or mental health disorders are actively implemented within the post-penitentiary probation framework, with the participation of NGO. The Norwegian post-penitentiary probation system also places strong emphasis on the principles of voluntariness and respect for human dignity, fostering trust-based relationships between probation officers and their supervisees (Koffeld-Hamidane *et al.*, 2023).

Similar to Norway, the Swedish probation system also emphasises the importance of an individualised approach

based on specific circumstances, the principle of normalisation, and rehabilitation. A key element of the Swedish model is the use of standardised assessment tools based on the RNR-A framework, which guides probation officers in determining the appropriate level of supervision and response measures, tailored to the characteristics, risks, and rehabilitation needs of each offender (Bäckström *et al.*, 2022). Since 2021, Sweden has been widely implementing the KRIMSTICS programme, adapted from Canada's Strategic Training Initiative in Community Supervision. KRIMSTICS provides a structured framework for engaging with individuals on community-based sentences, promoting socially adaptive behaviour and preventing recidivism through the use of cognitive behavioural therapy techniques.

Swedish prisons also collaborate with social services, healthcare providers, educational institutions, and employment agencies to ensure the comprehensive needs of incarcerated individuals are met. Moreover, prisons are responsible for preparing inmates for release, which includes the use of electronic monitoring and placement in rehabilitation centres to facilitate the transition from prison to society. Some offenders are subjected to enhanced supervision through electronic monitoring, allowing them to serve their sentences under house arrest under strictly regulated conditions (Spytska, 2024). This measure is typically applied to short-term sentences, as it has been shown to alleviate prison overcrowding without compromising public safety. Crucially, rehabilitation efforts also include treatment for substance addiction and the provision of psychological support (Becker-Pestka, 2022; Bonta, 2023).

The application of the RNR-A and KRIMSTICS models in Sweden during the 2022-2025 period has yielded improved outcomes within the prison system, owing to greater adherence to evidence-based practices and increased engagement with inmates (Sutton *et al.*, 2023). Compared to many other countries, Sweden maintains a relatively low recidivism rate – ranging between 30-40% in the years following release – reflecting a balanced correctional system that combines appropriate levels of supervision and rehabilitation with strong community involvement (Swedish National Council for Crime Prevention, n.d.). Thus, the post-penitentiary probation systems in Norway and Sweden demonstrate the effectiveness of integrating a humane approach, personalised supervision, and active reintegration of released prisoners into society to reduce recidivism.

Legal basis for providing penitentiary probation in Kazakhstan: Comparative analysis of national and international legal acts. The probation system in Kazakhstan is governed by an extensive regulatory and legal framework, primarily comprising the Constitution of the Republic of Kazakhstan (1995) and the Law of the Republic of Kazakhstan No. 38-IV LRK “On Probation” (2016). This framework also incorporates international legal instruments, including the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (1990), Recommendation of the Committee of Ministers No. CM/Rec(2010)1 “To Member States on the Council of Europe Probation Rules” (2010), and Directive of the European Parliament and of the Council No. 2016/343 “On the Strengthening of Certain Aspects of the Presumption of Innocence and of the Right to Be Present at the Trial in Criminal Proceedings” (2016). Collectively, these documents define probation as a mechanism for re-adaptation into society, implemented through vocational

training and education, individual psychological support, and post-release behavioural monitoring of convicted persons (Adilbekova, 2021).

Accordingly, the legal regulation of probation in Kazakhstan – largely based on the principles enshrined in the Constitution of the Republic of Kazakhstan and the Law on Probation – provides a detailed definition of the rights of individuals undergoing probation. These rights include access to information concerning their rights and obligations, legal status (including the circumstances, nature, and content of the imposed sentence), and the conditions of its execution; as well as the procedures governing penitentiary probation. In addition, individuals have the right to appeal against decisions or actions of the probation authorities, and the opportunity to participate in social adaptation and rehabilitation programmes. This legal framework reflects a human rights-oriented approach and aligns fully with the constitutional guarantees of social protection and correction, as set out in Articles 16 and 34 of the Constitution of the Republic of Kazakhstan (1995). International instruments – particularly the Recommendation of the Committee of Ministers No. CM/Rec(2010)1 “To Member States on the Council of Europe Probation Rules” (2010) and Article 10 of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (1990) – establish comparable rights, such as the right to freedom from discrimination, dignity, and a fair trial. Moreover, Article 3 of the Directive of the European Parliament and of the Council No. 2016/343 “On the Strengthening of Certain Aspects of the Presumption of Innocence and of the Right to Be Present at the Trial in Criminal Proceedings” (2016) guarantees the presumption of innocence and the right to appeal, along with appropriate treatment during the trial period. However, Kazakhstani legislation is distinctive in that it explicitly codifies the right to receive information in one’s native and comprehensible language – an element that is not strongly emphasised in international instruments.

According to Article 1 of the Criminal Procedure Code of the Republic of Kazakhstan (2014), probation is defined as a set of measures involving individual supervision and public legal education, aimed at re-education and the prevention of reoffending. These measures apply to suspects, convicted individuals, and persons released from custodial institutions. This definition integrates both control and educational functions, reflecting the holistic nature of the trial period. At the international level, Section V of the Tokyo Rules (1990) defines probation primarily as an alternative to imprisonment – one that does not involve deprivation of liberty and focuses on correction and social reintegration. Thus, while Kazakhstan’s definition is consistent with the international perspective, it places greater emphasis on the element of control, including electronic monitoring and judicial obligations, thereby reflecting a more structured approach to supervisory functions.

It should also be noted that Article 12 of the Criminal Procedure Code of the Republic of Kazakhstan (2014) distinguishes the following types of probation: pre-trial probation; probation during the trial; post-sentence probation; and post-penitentiary probation. This classification is necessary to ensure an effective and timely response to the needs of specific groups at high risk of reoffending, at different stages of the criminal justice process – from investigation to imprisonment and reintegration into society. It is noteworthy that

international legislation does not provide a unified classification of probation types, which represents a significant gap, resulting in considerable variation among states in their approaches to providing probation (Khablo & Svoboda, 2024).

At the same time, Article 3 of the Criminal Procedure Code of the Republic of Kazakhstan (2014) outlines the core principles of probation, including: legality, humanism, transparency (except in cases constituting state secrets), a differentiated and individualised approach, the promotion of law-abiding behaviour, and cooperation among public authorities. These principles are intended to strike a balance between control and support measures, with an emphasis on the application of differentiated methods and positive reinforcement. By comparison, the Recommendation of the Committee of Ministers No. CM/Rec(2010)1 “To Member States on the Council of Europe Probation Rules” (2010) identifies the following key principles of penitentiary probation: respect for the rights of offenders and humane treatment; prohibition of any form of discrimination; consideration of the individual characteristics of the offender in each case; observance of the presumption of innocence; and the prohibition of disproportionate penalties. Thus, the inclusion in Kazakhstani legislation of the principle of encouraging lawful behaviour – promoting compliance with the law – reflects an approach based on both deterrence and positive reinforcement, which is not as explicitly articulated in the international framework.

In Kazakhstan, the principal measures for the re-education of offenders and their reintegration into society are legally enshrined. According to Article 6 of the Law of the Republic of Kazakhstan No. 38-IV LRK “On Probation” (2016), these measures include: legal and social support for secondary education, access to medical services and psychological assistance, vocational training, provision of payments and benefits, establishment of social security mechanisms, social patronage and counselling services, provision of accommodation for persons on probation, rehabilitation activities, support for cultural development, and assistance with social reintegration. These measures are funded by the state and are mandatory, indicating the comprehensive role of the state in ensuring the reintegration of individuals who have committed offences and served their sentences.

At the international level, such measures are enshrined in the Tokyo Rules, which include: the provision of mandatory medical care to offenders (as set out in Article 13); the promotion of interaction between the public and individuals in correctional facilities (Articles 17-18); and cooperation between state and international actors in this area (Article 23). In this context, Kazakhstan has established a more universal and centralised system than that reflected in international legislation. This system ensures consistency and offers a wide range of re-education and reintegration measures. However, it is also more rigid, limiting flexibility and public participation.

Furthermore, Kazakhstani legislation explicitly defines post-release probation as a distinct process occurring after the completion of a custodial sentence. In particular, Part 2 of Article 17 of the Criminal Procedure Code of the Republic of Kazakhstan (2014) stipulates that this process includes measures of social support, assistance in resolving housing issues, the provision of permanent employment, and rehabilitation efforts aimed at facilitating the reintegration of former prisoners into society. By contrast, international law

lacks a clearly defined legislative framework for probation, which contributes to significant differences in how effectively states implement their own reintegration programmes for individuals released from custody.

Thus, Kazakhstan has developed a comprehensive probation system that not only aligns with international best practices but is also notable for institutionalising social patronage as a core function – an approach not commonly adopted in other jurisdictions. Overall, the probation system in Kazakhstan is well-developed and supported by a robust legal framework that establishes clear principles, rights, and procedures for the entire probation process – from pre-trial to post-release stages. In constructing this system, leading international standards were taken into account, particularly those enshrined in the Tokyo Rules and Council of Europe Probation Rules.

The strength of the national legislation lies in its systematic and exhaustive delineation of the rights and obligations of individuals under probation supervision, the requirement for rehabilitation measures, and the specification of various types of probation. Together, these elements form a clear and comprehensive system. Owing to the significant emphasis placed on the provision of social and legal assistance, combined with supervisory mechanisms – especially electronic monitoring – a balanced approach is achieved. This contributes to a reduction in recidivism and supports successful social reintegration.

However, the effectiveness of this system is directly influenced by the practical implementation and adherence to Kazakhstani legislation. The primary issues within the legal framework include: the insufficient involvement of the public and NGO, in contrast to international standards; the absence of a clear delineation of the powers and responsibilities of probation authorities, which leads to bureaucratic fragmentation and inconsistent practice; and the need to strengthen guarantees for the observance of the right to a

fair trial in accordance with international standards. Notably, Kazakhstani legislation lacks explicit references to international norms on probation, which hinders the full harmonisation of national legislation with global standards and complicates mechanisms for accountability.

Post-penitentiary probation in Kazakhstan: Problems and prospects. Overall, the level of criminal activity in Kazakhstan remains relatively high, highlighting the urgent need for effective reforms in the field of post-penitentiary probation, particularly with a view to reducing recidivism. A reduction in repeat offending would, in turn, contribute to a decrease in the overall crime rate across the country (Rakhimova *et al.*, 2024). Figure 1 illustrates the crime rate index and the security index, based on Global Organized Crime Index data, for the three countries under study: Kazakhstan, Norway, and Sweden. Thus, the data presented in Figure 1 relate to the second half of 2024 and provide an analysis of crime and safety levels across 100 countries (where a lower crime index score and a higher safety score indicate better outcomes). According to the data in Figure 1, Norway demonstrates the most favourable indicators for both indices. Known for its effective post-penitentiary probation system and low crime rate, Norway recorded a crime index of 32.6 and a safety index of 67.4, reflecting the success of its crime prevention and rehabilitation strategies. Kazakhstan occupies a central position among the three countries under comparison, with a crime index of 45.9 and a safety index of 54.1. Sweden, meanwhile, registered a slightly higher crime index of 48.4 and a safety index of 51.6 (World Population Review, 2025). However, despite Kazakhstan's relatively better quantitative indicators, Sweden is recognised for its effective provision of probation services more broadly, and of PTP in particular. Sweden's measures focus specifically on supporting the mental health of prisoners and probationers, as well as implementing an individualised approach to supervision during PTP.

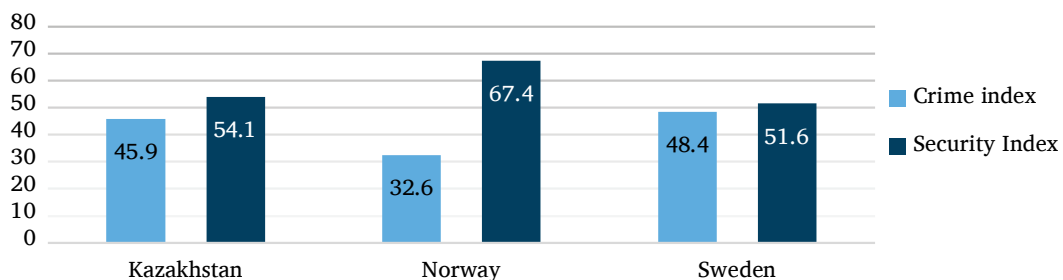


Figure 1. Crime and safety statistics according to Global Organized Crime Index for the second half of 2024 in Kazakhstan, Norway and Sweden

Source: created by the author based on World Population Review (2025)

In Kazakhstan, PTP is primarily aimed at reducing recidivism through the social reintegration of released prisoners and their supervision by relevant authorities. The Department of Probation Service, under the Ministry of Internal Affairs of Kazakhstan, is responsible for monitoring compliance with early release conditions. In parallel, local executive bodies and NGO – often with the support of international bodies such as the United Nations Office on Drugs and Crime (2024) – undertake measures to assist in the reintegration of convicts into society. The Department of Probation Service makes use of an integrated electronic criminal justice system, which enables the comprehensive

registration and digital storage of personal data and documents concerning individuals on probation. This system facilitates the Department of Probation Service in exercising systematic control over the rehabilitation process of former prisoners.

Within the framework of the Department of Probation Service, three main bodies interact to support former convicts during rehabilitation: The Department of Probation Service oversees compliance with early release conditions through the use of electronic surveillance tools, particularly GPS bracelets that track an individual's location. The State Tax Service also conducts regular checks, especially of individuals considered to pose an elevated risk to public safety.

The local executive bodies hold the authority to provide direct support and assistance to persons under administrative supervision. This includes social and legal support, resolving issues related to accommodation, employment, document renewal, and establishing contact with municipal services. Law enforcement agencies are tasked with enforcing judicial restrictions and decisions, such as limitations on movement or travel, and the issuance of permanent residence permits for persons under administrative supervision (United Nations Office on Drugs and Crime, 2024).

Thus, in Kazakhstan, these institutions collaborate to provide effective support for individuals on probation, aiming to facilitate their reintegration into society and prevent potential recidivism. The following measures reflect not only how the state supports released convicts but also how it implements preventive strategies against further offences. One of the most pressing challenges for released individuals is securing stable housing. In response, the Government of Kazakhstan, through the local executive bodies, allocates temporary accommodation to such individuals. However, the availability and quality of this housing – particularly whether it is habitable – vary significantly across different regions. This, coupled with prevailing societal stigma against former prisoners, often results in their social isolation (United Nations Office on Drugs and Crime, 2019; Anuarbek & Zharkenova, 2020).

To address this issue, the state continues to invest in improving housing conditions to better support the reintegration process. In parallel, to assist with the employment of released individuals and their retraining in new professions (e.g., welder, carpenter, plasterer), Kazakhstan has established partnerships with local businesses and vocational colleges. Nevertheless, despite state efforts, many enterprises and institutions remain unwilling to employ individuals with criminal records. To overcome this barrier, and in alignment with international best practices, the state has launched initiatives aimed at incentivising employers and promoting small business development among former convicts (Mukasheva et al., 2024).

Another important measure in Kazakhstan, aimed at facilitating rehabilitation during PTP, is the establishment of educational facilities directly within prisons, including secondary schools and vocational institutions. These initiatives aim to provide prisoners with opportunities to obtain formal education or enhance their professional skills, thereby improving their employment prospects upon release. Moreover, with the support of social workers who continue to engage with former prisoners, individual learning assistance is offered throughout the PTP period. However, the challenge of securing adequate funding for such educational and support programmes remains a significant obstacle (Mukasheva et al., 2023).

In addition, a vital component of social rehabilitation is the provision of psychological assistance to support released prisoners in overcoming post-traumatic stress, addictions, and the challenges associated with reintegration into society. Psychological support services are offered through both state institutions and NGO; however, their availability remains limited due to a shortage of qualified specialists. To address this issue and ensure the provision of adequate psychological care, the government is working to expand the network of rehabilitation centres and emergency response programmes (Nesterov, 2020). In the context of PTP, it is

equally important for the state to provide legal assistance to released individuals, who frequently encounter difficulties in restoring essential documents – such as identity cards – without which they cannot access social services, secure employment, or obtain housing. Legal services assist in restoring such documentation and guide individuals through bureaucratic procedures, helping them to overcome administrative barriers that hinder reintegration (Pylypenko & Zmysna, 2023). These services also play a role in combating discrimination based on criminal records. Although discrimination is prohibited by law, practical enforcement remains problematic. Legal aid services also support individuals in pre-trial detention by informing them of their rights and obligations in accordance with the conditions established by the court (Azhibayev, 2020; Zhunisbayeva et al., 2021).

Overall, Kazakhstan's approach to PTP seeks to enhance the social welfare and reintegration of former prisoners. This includes the provision of housing, employment opportunities, access to education and psychological support, as well as legal aid aimed at restoring rights and protecting individuals from discrimination or harassment related to their criminal record. Through these comprehensive measures, Kazakhstan aims to establish an integrated post-penitentiary supervision system that supports individuals from the point of release to full reintegration into society. While these measures are fundamental to successful reintegration, persistent challenges – including limited resources and public stigma – underscore the need for further reforms and increased international cooperation to improve the overall effectiveness and accessibility of support services.

Thus, the provision of post-penitentiary supervision in Kazakhstan faces several significant challenges that undermine its effectiveness in supervising released prisoners and facilitating their social reintegration. These include: High recidivism rates and inadequate supervision of former convicts. Approximately 70% of released individuals reoffend and return to prison. This trend suggests that current post-penitentiary supervision measures are insufficient for preventing repeat offences. A contributing factor is the lack of differentiated supervision and the use of inadequate risk assessment methods. Many individuals under post-penitentiary supervision do not receive proper individualised support, which is a crucial condition for successful rehabilitation (Mukasheva et al., 2024). Lack of financial resources, limited social and legal assistance, and discrimination based on criminal record. Released individuals often face stigma from employers and local communities, which restricts their access to employment and housing. The limited availability of comprehensive rehabilitation programmes – particularly those offering psychological support and vocational training – exacerbates their social isolation. Poor coordination among probation authorities, correctional institutions, NGOs, and local government bodies. Cooperation is often hampered by bureaucratic obstacles, leading to delays in the provision of essential services and disrupting the continuity of rehabilitation following release. Shortage of well-trained specialists to supervise individuals during PTP. Most probation authorities staff lack specialised training in psychology, social work, or rehabilitation methodologies. Consequently, the prevailing approach in practice tends to be punitive rather than supportive, which impedes positive behavioural change among probationers (Corley, 2022).

In response to these challenges, Kazakhstan has initiated a series of reforms aimed at improving the post-sentence probation system. These include the adoption of advanced electronic monitoring tools and the implementation of a unified probation case management system. These measures reflect the state's commitment to streamlining the probation process and optimising decision-making based on accurate and reliable data. A key prospective solution is the incorporation of risk and needs assessment mechanisms, which would enable probation officers to adopt a more individualised approach to supervision. This, in turn, would enhance the effectiveness of probation measures and help avoid imposing excessive restrictions on individuals assessed as posing a low risk to society (United Nations Office on Drugs and Crime, 2024).

An important direction for addressing the challenges in the provision of post-penitentiary supervision in Kazakhstan is international support, particularly from organisations such as the United Nations Office on Drugs and Crime and the EU. This support facilitates the implementation of projects aimed at strengthening the capacity of probation authorities, including the development of gender-sensitive tools and specialised training for probation authorities' staff. These initiatives are in line with international best practices, which emphasise rehabilitation, social reintegration, and the protection of human rights. Another promising direction involves enhancing Kazakhstan's legal reforms to expand opportunities for early release under house arrest schemes and to introduce conditional release from custody subject to compliance with supervision requirements. These reforms increase the number of individuals placed under community supervision instead of serving custodial sentences. This shift reflects a progressive move towards alternative sanctions, which not only alleviates prison overcrowding but also improves reintegration outcomes – provided the necessary resources are allocated to ensure the effectiveness of such measures (United Nations Office on Drugs and Crime, 2024; Tleubayev *et al.*, 2024).

Furthermore, the development of post-penitentiary supervision in Kazakhstan would greatly benefit from the adoption of advanced international practices, particularly those of Norway and Sweden. For instance, implementing the Norwegian Reintegration Guarantee model – which offers coordinated support for released prisoners in accessing housing, education, healthcare, and employment – would contribute to the establishment of a predictable and structured release process. This model emphasises shared responsibility between the state and society and involves dedicated professionals to coordinate reintegration efforts, helping to ensure a smoother transition from custody to community life – an area that remains a significant challenge in Kazakhstan.

From Sweden's experience, Kazakhstan could adopt the use of structured, evidence-based assessment tools, notably the RNR-A model and the KRIMSTICS programme. These tools enable a personalised approach to supervision, tailored to the risks and needs of released individuals, thereby enhancing the effectiveness of rehabilitation. Additionally, Sweden's principle of normalization – whereby prisoners have access to the same services as other members of society – can help reduce stigma and improve social inclusion in Kazakhstan. Both Norway and Sweden place strong emphasis on the professional training of prison staff and on cooperation with social services, healthcare providers, and employment agencies. By drawing on their experience, Kazakhstan has the opportunity to establish a more humane, effective,

and rehabilitation-focused penitentiary system – one capable of reducing crime and recidivism, while supporting former convicts in their return to full participation in society.

Discussion

The provision of post-penitentiary supervision in Kazakhstan faces substantial challenges that hinder the effective reintegration of individuals who have served their sentences. Notably, post-penitentiary supervision suffers from poor coordination between penitentiary institutions, social services, and NGO, which is essential for addressing the complex and multifaceted needs of former convicts – particularly in securing employment, housing, and access to social assistance. By contrast, countries such as Norway and Sweden have implemented effective post-penitentiary supervision mechanisms grounded in principles such as individualised support, normalisation, institutional integration, and inter-agency cooperation. These systems contribute to lower recidivism rates and more successful reintegration outcomes. Drawing on the experience of these countries, Kazakhstan has the opportunity to enhance its post-penitentiary supervision by adopting a more holistic approach – one that incorporates legal reforms, improved social support mechanisms, and stronger collaboration between relevant institutions.

This study has examined the key challenges in the development of post-penitentiary supervision in Kazakhstan, with particular emphasis on the importance of adopting a differentiated approach to the supervision of former offenders and the potential benefits of integrating international best practices – specifically from Norway and Sweden – into the national framework. In this context, the findings are consistent with the study by S. Verweij *et al.* (2024), which explored the relationship between supervision and recidivism among Dutch prisoners released in 2012 and 2013. That study found that effective supervision contributes to reduced recidivism, but that the quality and targeting of support measures are more important than their sheer quantity. Although both studies underscore the critical role of supervision in reducing reoffending during the post-penitentiary supervision period, there are notable differences in focus and scope. While authors relied on empirical data from the Netherlands and concluded that increasing the number of probationary interventions does not necessarily yield improved outcomes, they emphasised the importance of targeted and constructive support. This view aligns with the findings of the present study; however, unlike S. Verweij *et al.*, this study also identified systemic and legislative barriers within Kazakhstan that impede the implementation of effective supervision practices. The findings of researchers are particularly relevant for Kazakhstan, as they highlight the importance of reforming the supervision system for persons in detention in order to enhance their reintegration into society. By addressing legal and institutional limitations, Kazakhstan can create a more functional, human-rights-oriented, and outcome-driven probation system.

The importance of individualised approaches to prisoners during incarceration is further supported by the findings of R. Yu *et al.* (2022), who concluded that the primary factors influencing reoffending among former prisoners in Sweden were individual characteristics rather than the conditions of detention within penitentiary institutions. Accordingly, the present study aligns closely with the conclusions of authors particularly in asserting that Kazakhstan's prison

system should move away from a standardised, one-size-fits-all model in favour of developing risk assessment tools and personalised supervision plans tailored to the specific needs of individual prisoners, as practised in Sweden. However, it is important to note that the study by R. Yu *et al.* (2022) presents a limitation in that it did not account for the jurisdictional differences across various countries. In contrast, the present study found that Kazakhstan faces distinct legislative constraints and resource limitations, which complicate the direct implementation of individualised approaches. This highlights the necessity of adapting international best practices – especially those from Sweden – to the socio-legal and institutional context of Kazakhstan.

A key finding of this study is the recognition that effective reintegration of individuals released from custody is determined less by the severity of the offence committed than by the availability of opportunities and support after release. This conclusion is consistent with the findings of K. Suonpää *et al.* (2023), who demonstrated that individuals imprisoned in Finland for serious violent crimes do not exhibit significantly higher rates of recidivism or lower employment levels compared to those convicted of less serious offences. Both the present study and the study by K. Suonpää *et al.* (2023) emphasise the critical importance of post-release outcomes, particularly the need for well-structured post-penitentiary supervision and reintegration measures. Overall, the research by the authors and the present study are in agreement on the necessity of providing high-quality, individualised assistance to former prisoners and ensuring adequate conditions for their social reintegration. Specifically, K. Suonpää *et al.* (2023) argue that the seriousness of the crime is not a decisive factor for successful reintegration – a view echoed in this study, which underlines the role of targeted support and systemic reform. Additionally, this study extends those findings by offering a critique of Kazakhstan's current legal and institutional framework, thereby underscoring the urgency of implementing proven international practices to improve reintegration outcomes.

In addition, this study revealed a lack of comprehensive social support, which constitutes a significant barrier to the effective implementation of PTP in Kazakhstan. Similar conclusions were drawn by D. Mukasheva *et al.* (2024), who found that prisoners' positive attitudes towards rehabilitation in Kazakhstan are closely linked to the availability of social support, the involvement of NGOs, and the maintenance of family ties. The researchers also observed that male prisoners generally exhibit more favourable perceptions of rehabilitation than female prisoners, and that harsh imprisonment conditions and chronic health issues adversely influence these perceptions. While D. Mukasheva *et al.* (2024) highlighted the importance of offenders' subjective perceptions during incarceration, the present study expands on this by examining how such perceptions should inform the design and implementation of rehabilitation programmes following release. Their findings were especially relevant for this study, as they underscored the pivotal role of social support. However, this study further demonstrates that the realisation of comprehensive social support in Kazakhstan requires substantial reform of the post-penitentiary supervision system, particularly within the legislative framework – thus complementing and extending the conclusions reached by D. Mukasheva *et al.* (2024). Both studies are aligned in their recognition of the critical role that social support

mechanisms and inter-agency cooperation play in facilitating the successful reintegration of former prisoners in Kazakhstan.

Another key finding of the present study is the identification of societal stigma and lack of support as major impediments to the reintegration of ex-offenders. This aligns with the conclusions of a qualitative study by I.J. Sandbukt (2021) conducted in Norway, which emphasised that societal recognition and community support are essential to the successful rehabilitation of sex offenders, particularly in the absence of intensive criminal justice interventions. Overall, both studies agree that societal prejudice undermines the rehabilitation process and that active community engagement is vital to overcoming this challenge. A comparison of the research conducted by I.J. Sandbukt (2021) and the present study – both of which focus on the challenges of post-sentence probation – highlights a shared emphasis on the importance of public support and the implementation of effective measures to reduce recidivism. However, while I.J. Sandbukt's study demonstrated that public support exists, it also revealed that deep-seated societal prejudice remains a serious barrier to successful reintegration. This finding suggests that legal reforms alone are insufficient to address the stigma faced by former offenders. In contrast, the present study found that in Kazakhstan, these challenges are further exacerbated by systemic and legislative shortcomings. This represents a point of divergence from author's findings, as overcoming stigma in Kazakhstan requires not only raising public awareness but also significantly improving institutional practices and support mechanisms.

The findings of this study confirm that supervision during post-sentence probation contributes to reducing recidivism, particularly when combined with rehabilitation measures and risk-based strategies. Effective supervision also enhances employment prospects, which further decreases the likelihood of reoffending. Taken together, the studies analysed underscore that the success of reintegration efforts depends less on the intensity of control and more on the quality of supervision and its alignment with an individualised, needs-based approach for each person under supervision.

Conclusions

The examination of the probation system in Kazakhstan has revealed significant shortcomings within the state's approach to probation, stemming from legislative, institutional, and practical challenges. At the same time, the study highlights considerable potential for improvement and reform in this area. Probation is a vital component of the criminal justice system, aimed at facilitating the social reintegration of individuals released from prison and preventing recidivism through supervision and targeted support. However, the current state of probation in Kazakhstan differs markedly from the best practices observed in countries such as Norway and Sweden. These systems demonstrate the effectiveness of combining humane treatment of former offenders with individualised supervision and a strong focus on reintegration, all of which contribute to reduced recidivism rates.

Norway has achieved notable success by applying the principle of normalisation and actively involving society in the reintegration process, supported by the use of electronic monitoring systems. Sweden, on the other hand, has implemented structured risk assessment tools such as the RNR-A model and the KRIMSTICS programme to ensure the consistency and effectiveness of its probation measures.

Through the comparative analysis of national and international legislation, it was established that the Kazakh probation system is, in many respects, well developed. It defines clear principles, outlines the rights of individuals, and provides a structured framework for the entire probation process. A notable strength of Kazakhstan's legal framework is its comprehensive systematisation of the rights and obligations of persons subject to probation, including mandatory rehabilitation measures and distinct types of probation, thereby forming a coherent and integrated system. Nevertheless, the absence of explicit references to international probation standards in Kazakhstan's legislation presents a challenge to the full harmonisation of the national framework with international norms. This gap complicates accountability and limits the alignment of Kazakhstan's probation system with globally recognised principles and practices.

The main problems within the probation system in Kazakhstan include insufficient legal clarity, limited financial resources, the low professional level and inadequate training of probation officers, and weak coordination between state bodies and NGO. Additionally, serious obstacles to the social adaptation of released individuals include societal stigmatisation and a general lack of public awareness regarding probation. The absence of a holistic, differentiated, and individualised approach to reintegration – such as that employed in Norway and Sweden – limits the potential of probation as a viable alternative to imprisonment and contributes to high rates of reoffending.

Despite these challenges, the development of the probation system in Kazakhstan holds considerable promise. Key areas for improvement include strengthening interagency

cooperation, upgrading the material and technical resources available to probation officers, and enhancing their professional training. Furthermore, expanding cooperation with civil society and increasing public awareness of the objectives and benefits of probation will contribute to more effective reintegration outcomes. A particularly promising direction for the Kazakh probation service is the adoption of modern electronic monitoring tools – similar to those used in Norway and Sweden – and the implementation of a unified case management system. In particular, the introduction of risk and needs assessment mechanisms, akin to the RNR-A used in Sweden, would allow probation officers to adopt a more individualised and effective approach to case supervision. Future research should include an expanded comparative analysis incorporating the experiences of additional countries – such as the United States, the United Kingdom, and Austria – in order to evaluate and refine Kazakhstan's approach to probation based on a broader set of international practices.

Acknowledgements

None.

Funding

This research has been funded by the Science Committee of the Ministry of Science and Higher Education of the Republic of Kazakhstan (Grant No. AP23485634 “Modern transformation of Kazakhstan's penitentiary system through the mechanism of public-private partnership”).

Conflict of interest

None.

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Проблеми розвитку постпенітенціарної пробації в Казахстані

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Анотація. Метою цього дослідження був критичний аналіз практики постпенітенціарної пробації в Казахстані. Використано термінологічний, герменевтичний та порівняльний методи. У дослідженні розглянуто сутність пробації, визначено її основні види, а також більш детально проаналізовано постпенітенціарну пробацію як невід'ємну складову. Проаналізовано досвід Норвегії та Швеції у цій сфері та встановлено, що ці держави ефективно впроваджують пенітенціарну пробацію через комплекс заходів: гарантування гуманного поводження, дотримання принципу нормалізації, здійснення індивідуального нагляду, сприяння реінтеграції звільнених засуджених та зниження рівня рецидивної злочинності. Було підкреслено важливість включення цих заходів у казахстанську систему як перспективи розвитку. У результаті було проведено порівняльний аналіз національних нормативно-правових актів Казахстану та міжнародної бази, що регулює пенітенціарну пробацію. Зокрема, порівнювалися такі аспекти: права осіб, звільнених з місць позбавлення волі; визначення пробації; основні принципи та види пробації; засоби реабілітації та ресоціалізації; застосування постпенітенціарної пробації. Крім того, було проаналізовано статистичні дані щодо індексів злочинності та безпеки в Казахстані, Норвегії та Швеції. З'ясовано, що найбільш сприятливі показники має Норвегія, де рівень злочинності становить 32,6, а індекс безпеки – 67,4; Казахстан посідає середню позицію з показниками 45,9 та 54,1 відповідно; а у Швеції зафіксовано вищий рівень злочинності – 48,4 та індекс безпеки – 51,6. Було досліджено стан надання постпенітенціарної пробації в Казахстані та визначено її основні проблеми: високий рівень рецидивної злочинності; недостатній нагляд за колишніми засудженими; брак фінансових ресурсів; обмеженість соціальної та правової допомоги; дискримінація за ознакою судимості; низький рівень міжвідомчої співпраці; нестача кваліфікованого персоналу. Результати цього дослідження можуть бути корисними для визначення шляхів вирішення цих проблем у Казахстані

Ключові слова: пробація; позбавлення волі; виправна установа; звільнені засуджені; нормативно-правовий акт