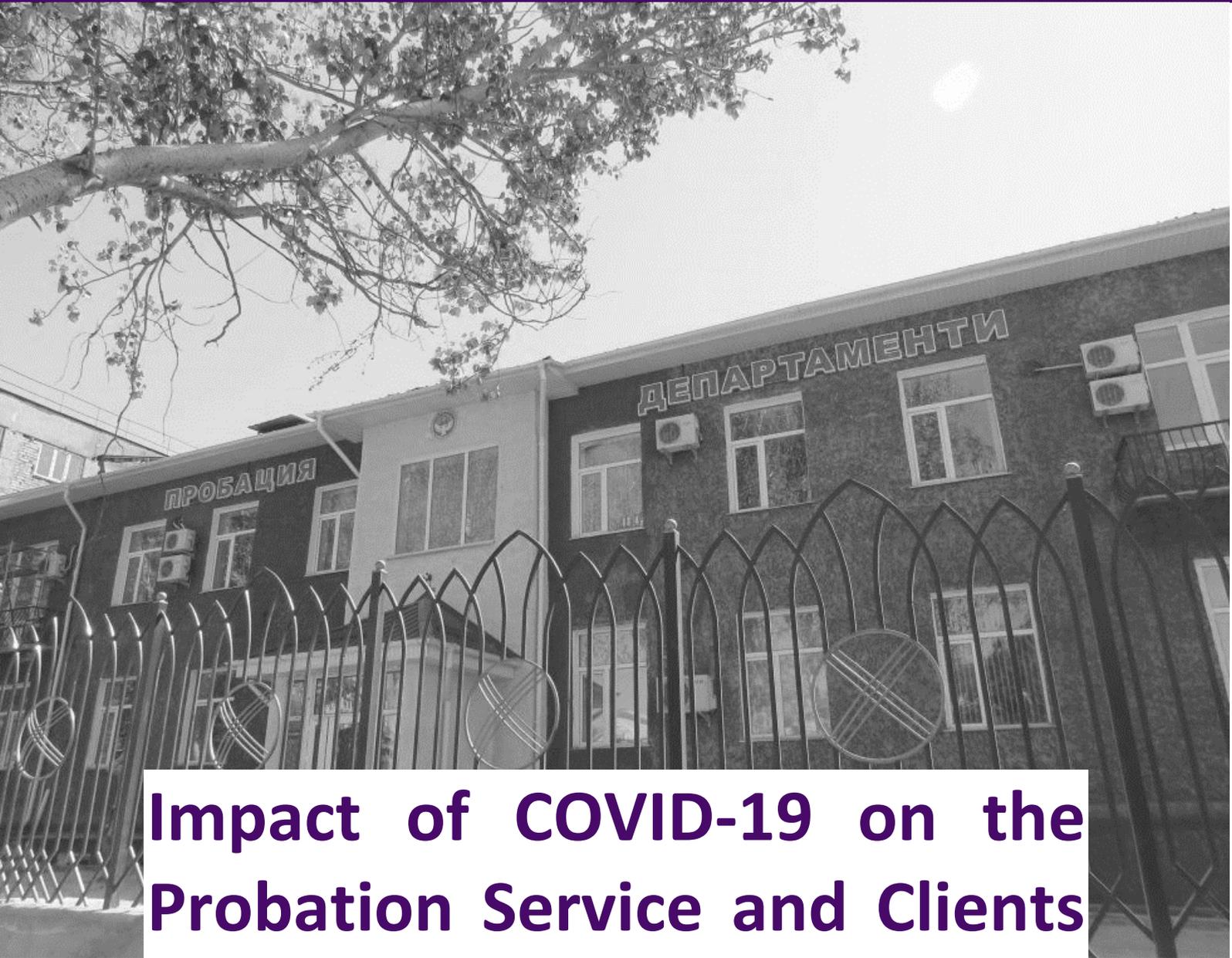




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Impact of COVID-19 on the Probation Service and Clients in Kyrgyzstan

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Penal Reform International report

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List of abbreviations

COVID-19- Coronavirus disease 2019 (or the associated virus SARS-CoV-2)

NGO - Non-governmental organisation

NSC - National Statistical Committee

PRI - Penal Reform International

PPE - Personal Protective Equipment

PPP- Public-Private Partnership

SES - Sanitary and Epidemiological Surveillance

WHO – World Health Organization

WFP-World Food Program

Introduction

In January 2020, the World Health Organization (WHO) announced the outbreak of the COVID-19 (SARS-CoV-2) Public Health Emergency of International Concern that emerged in 2019 in Wuhan, China. After the pandemic status acquired in March 2020, most governments began to take measures to stem its spread among their citizens. The total number of positive cases of the virus in Kyrgyzstan, according to official data, is 144,958 (as of 18 July 2021); the number of deaths is 2,143. From 22 March 2020, an emergency regime was introduced to the territory of the Kyrgyz Republic.

Following the announcement of a pandemic by the WHO and the detection of cases of coronavirus infection in the territory of the Kyrgyz Republic, a corresponding decree was signed by the Prime Minister of the Kyrgyz Republic Mukhammedkaly Abylgaziev in order to ensure the safety of the population and take prompt measures to prevent mass outbreaks among the population. In response to COVID-19, the following measures were put in place by the Kyrgyz government:

- Ban on the entry of foreign citizens from March 17, 2020;
- Closure of entertainment venues, schools and higher education institutions;
- Cancellation of international flights to/from the airports of Osh and Bishkek;
- Introduction of the state of emergency from March 22, 2020;
- Restrictions on the movement of citizens around the city, except for exits to the store and pharmacies, as well as medical institutions;
- Imposition of a curfew;
- Installation of checkpoints in every region and city;
- Closure of all facilities except grocery stores, food markets, pharmacies and medical facilities.

The measures taken by the Government of Kyrgyzstan led to organisations across the country transferring their operating mode to an online format. At the same time, services that involved personal contact or that were unable to respond to the measures were forced to suspend their activities, which led to an increase in unemployment in the country. The closure of borders and the transition to a quarantine regime also had a strong economic impact on Kyrgyzstan and the welfare of citizens due to the sharp inflow of migrants back to the country. According to a study carried out by the NSC about 22% of households in Kyrgyzstan have faced a loss of earnings for at least one family member. The economic crisis and the growth of unemployment in the country could not but affect such a vulnerable group as probation clients, including those on parole. According to 2020 research by the Kyrgyz Probation Department, most probation clients are young people from vulnerable groups who need comprehensive support and access to guaranteed social services: rehabilitation services, educational and medical services, as well as assistance in finding employment and obtaining unemployment benefits. Yet most probation clients do not fit into the categories defined by the legislation of the Kyrgyz Republic as eligible for receiving comprehensive support, and this increases the risk of reoffending and adds to the challenge of supporting behavioral change and resocialisation among probation clients at any time, not only during the COVID-19 pandemic.¹

According to 2017 data collected by the International Center for Prison Studies (ICPS), Kyrgyzstan was 87th in the ranking of prison populations in the world– with a rate of 167 imprisoned persons

¹ Probation Clients Needs Study Report, Kyrgyz Probation Department, 2020.

per 100,000 people. In 2019 the rate dropped to 161 imprisoned persons per 100,000 people, an improvement that might be largely a reflection of the introduction of the Law “On Probation” at the start of 2019 and a consequent decrease in the prison population.² At the same time, up to 40% of individuals released from places of detention reoffend, albeit notably more than 70% of the re-convicted people committed crimes against property, which seems to be a consequence of unemployment, low living standards, a lack of social ties, education, work skills and legal knowledge and poor social adaptation after release.

Although the implemented quarantine measures were of great importance for public health, they had a significant negative impact on the economic stability and social situation of the country. Moreover, despite the categorical nature of the measures taken, they could not prevent the deepening of the crisis in the wake of the ensuing surge in COVID-19 infections and mortality. As a result of the shifts in operations and service provision as well as the many challenges impacting individuals serving non-custodial sanctions, the probation system and its specialists became one of the most impacted governmental institutes. Moreover, probation clients became a vulnerable group that was not on a priority list for the government due to lack of human and financial resources.

The current study is an attempt to look closely at the impact of the ongoing pandemic on Kyrgyzstan’s recently developed probation system. It also aims to investigate challenges faced by the probation specialists in Kyrgyzstan in the face of COVID-19, mechanisms to overcome these challenges as well as how the current pandemic has affected probation clients. In particular, the ways of adapting to the conditions brought on by and in response to COVID-19 among probation authorities and practitioners, and their effectiveness, will be considered.

Research methodology

A mixed-method approach was used in the data collection and included a range of primary and secondary data sources. Data was collected using desk research, document reviews and in-depth interviews (IDI) with target groups (i.e. clients, judges and probation department staff). Taken together, these data collection techniques enabled: (a) the collection of reliable empirical data and evidence, (b) consideration of the views and experiences of clients and probation staff, (c) identification of key findings and reach credible conclusions, and (d) general recommendations for improving the situation to be concluded.

Stage 1. Desk research

The main aim of the desk review was to analyse official statistical data as well as relevant research and studies available through open sources. The desk research included a review of academic articles and news items from 2020 and 2021 on topics relevant to the research in Kyrgyzstan, including the prison population, the legal framework on probation, the judicial system and the impact of COVID-19 on minorities and vulnerable groups. Project documents were also examined as part of the desk analysis to understand the context of this research.

As background for the focus of the project, the analysis also included a detailed exploration of the current situation of the Kyrgyz probation system and its clients based on the official website of the Probation Department. The desk analysis helped to better understand the country context and outline the general situation with probation in Kyrgyzstan.

² <https://www.prisonstudies.org/country/kyrgyzstan>

The desk study was combined with interviews with probation staff and other stakeholders to allow for the in-depth analysis of how the Probation Department and its clients were able to adapt to the situation with COVID-19 and the measures undertaken in order to reduce the risks of transmission for both probation clients and employees.

Stage 2. In-depth interviews

In-depth interviews were conducted with 14 individuals, including probation clients, Probation Department staff and other stakeholders, all of whom were directly knowledgeable of or who had experience with non-custodial sanctions during the COVID-19 pandemic. A general interview guide was developed and adapted for interviewing different stakeholders depending on the activities in which they participated. Interviews were conducted from 15 July 2021 to 5 August 2021 in Bishkek, Kyrgyzstan.

A total of 23 people were approached for the study, out of whom 14 agreed to be interviewed. Out of the nine people who were not interviewed, three were NGO representatives (who could not partake in the study due to their organisations being closed during the pandemic and necessary information being unavailable), four were probation clients (for whom participation in the study was too sensitive, and who did not want to take part in the interview) and two probation officers who did not have time during the interview period.

Each interview lasted from 20 to 90 minutes. Interviews were conducted either in person or via video conference, depending on the preferences of the respondent. Most of the interviews were conducted online due to quarantine and social distancing measures. All interviews were recorded (with the consent of the interviewee) and then transcribed, with the most vivid and significant conclusions cited as quotations in this report.

List of interviewed respondents:

NAME OF ORGANISATION	NUMBER OF CONDUCTED INTERVIEWS
Supreme Court of the Kyrgyz Republic	2 interviews
District Court of Bishkek	1 interview
Probation Department under the Ministry of Justice of the Kyrgyz Republic, Bishkek	2 interviews
Division of Probation Department of Osh region	1 interview
Division of Probation Department of Jalal-Abad region	1 interview
Division of Probation Department of Issyk-Kul region	1 interview
Division of Probation Department of Naryn region	1 interview
Public Foundation Spectrum	1 interview
Probation clients	4 interviews

The list of appropriate stakeholders for interviews was compiled with the support of the Probation Service representatives. Most contacts with interviewees, including probation clients, were established through PRI and its existing network of contacts or through snowball sampling recruitment after interviews with probation officers. All interview respondents shared their views with fully informed consent, understanding how their words will be used. As part of the consent

procedures, potential participants were informed at the start of the interview about 1) the objectives of the study and its independence from the Probation Services; 2) the intended use for the information collected in the course of research activities and; 3) the voluntary nature of their participation. Participants were also informed about how their confidentiality and privacy is ensured, with responses stored and processed confidentially and only the researchers having access to identifiable data. Recording of interviews was only done with participant consent. It was guaranteed that answers and any obtained data would be published in a generalised form without specifying participant names. Participants were given the opportunity to ask any arising questions regarding the project and their participation, and they were advised that they are free to withdraw fully or part of their answers at any point.

Limitations

Due to the fact that interviews could not be conducted with representatives from every probation department in Kyrgyzstan (no probation department representatives were available from the regions of Talas and Batken), the findings cannot be fully extrapolated to the whole of Kyrgyzstan. However, as probation officers from five regions were interviewed, this report largely reflects the situation of the department across Kyrgyzstan. Furthermore, while the number of participants and the method of recruitment are recognised as limitations on the research, the results of the fieldwork did not conflict significantly and were also supported by open-source information, indicating that the findings can be considered representative. The analysis is PRI's interpretation based on the gathered data and the views of the persons interviewed. The conclusions and recommendations of this study reflect the suggestions of the respondents, as well as the desk analysis, in the national context as well as broader, international standards of good practice.

A brief description and history of the formation of the probation system in Kyrgyzstan

The number of people in prison across the world is increasing, placing an enormous financial and time burden on many governments.³ There is an awareness that imprisonment does not allow the achievement of a number of goals that have been outlined in the UN report on "Imprisonment and Non-imprisonment Measures 2012 and has a harmful effect both on violators of the law as well as their families, impacting society as a whole. Evidence suggests that prisons often do not have a corrective or rehabilitative effect, instead pushing those released from prison to recidivism.⁴ As a result, those who are released often find themselves in correctional facilities again contributing to overcrowding in prisons and insecurity in the country. Reform of the penitentiary system is based on the principles of humanity and changes in the criminal justice policies of a state and the penal system specifically. Reform efforts receive further pushes from the introduction of international standards in the penitentiary system. Generally, the goal of introducing alternatives to imprisonment is not only to tackle the problem of overcrowding in prisons but it also reflects a fundamental change in attitudes towards crime, those convicted of criminal offences and their place in society, shifting the focus of penitentiary action from punishment and isolation to restorative justice and reintegration. When provided with appropriate support both during and after serving their sentences, vulnerable members of society

³ Penal Reform International, (2021). Global Prison Trends 2021: <https://www.penalreform.org/global-prison-trends-2021/>

⁴ Report of the UN Office on Drugs and Crime on imprisonment and non-imprisonment measures, 2012. For Russian, see: <https://www.unodc.org/documents/justice-and-prison-reform/V1802305 - R.pdf>

have a better opportunity to live without reoffending. Thus, these measures can provide more effective and sustained protection of society than lengthy prison sentences.

The need to form a national probation service in Kyrgyzstan was reflected for the first time in the *Concept of Reforming the Penitentiary System and the National Program for Reforming the Penitentiary System until 2010*, approved by the Decree of the Government of the Kyrgyz Republic dated 9 December 2002 No. 833.⁵ Ten years later, the decree of the President of the Kyrgyz Republic “On measures to improve justice in the Kyrgyz Republic”, dated 8 August 2012, was issued, recognising that one of the main activities in reforming the penitentiary system must be the humanisation of justice. Following this decree, a judicial and legal reform was launched in Kyrgyzstan, leading to the development of the following:

- the Criminal Code of the Kyrgyz Republic;⁶
- the Code of the Kyrgyz Republic on Misdemeanors;⁷
- the Code of the Kyrgyz Republic on Violations;⁸
- the Criminal Procedure Code of the Kyrgyz Republic;⁹
- the Criminal Executive Code of the Kyrgyz Republic;¹⁰
- the Laws of the Kyrgyz Republic “On Probation”¹¹ and “On the Basics of Amnesty and the Procedure for Its Application”¹², and;
- the Law “On State-Guaranteed Legal Aid”.¹³

In August 2018, a joint meeting of the expert working group on monitoring measures of judicial and legal reform and the leadership of the State Service for the Execution of Punishments under the Government of the Kyrgyz Republic took place. A roadmap for organising a probation service in the country was prepared and mechanisms for organising and enforcing the probation institute were discussed. The legal basis for probation was established in the following:

- The Constitution of the Kyrgyz Republic (adopted by referendum on 27 June 2010);
- The Criminal Procedure Code of the Kyrgyz Republic (as amended by the Law of the Kyrgyz Republic dated 2 February 2017 No. 20);
- The Criminal Code of the Kyrgyz Republic (as amended by the Law of the Kyrgyz Republic dated 2 February 2017 No. 19);
- The Law of the Kyrgyz Republic “On Probation” dated 24 February 2017 No. 34;
- Law of the Kyrgyz Republic “On State Social Order”;
- International treaties to which the Kyrgyz Republic is a party;
- Decree of the Government of the Kyrgyz Republic “On the establishment of a probation organisation in the Kyrgyz Republic” dated 31 December 2018 No. 666.¹⁴

⁵ Concept for Reforming the Penitentiary System of the Kyrgyz Republic until 2010. Available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/49500>

⁶ Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111527>

⁷ Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111565>

⁸ Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111570>

⁹ Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111530>

¹⁰ Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111528>

¹¹ Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111517>

¹² Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111514?cl=ru-ru>

¹³ Ministry of Justice of the Kyrgyz Republic: <http://cbd.minjust.gov.kg/act/view/ru-ru/111480?cl=ru-ru>

¹⁴ https://www.probation.gov.ua/?page_id=9255

Throughout this process, the country began recognising that a probation system or alternatives to imprisonment are an important mechanism not only because of their contribution to reductions in the recidivism rate, but also because they engage probation clients in community service, support clients' efforts to change their behavior, and facilitate access to such resources as medical care, education, document recovery, etc. – all of which support better resocialisation outcomes.

As such, in 2017, the Law of the Kyrgyz Republic “On Probation” was adopted, which entered into force in 2019. According to the Law the purpose of probation is to ensure the security of society and the state, to create conditions for the correction and resocialisation of probation clients, and to prevent them from committing new offenses. Upon the law coming into force on 1 January 2019 the functions of the institute of probation were entrusted to the State Service for the Execution of Punishments (SSEP) under the Government of the Kyrgyz Republic until the establishment of an authorised probation department. On 1 September 2019, the probation institute was transferred to the jurisdiction of the Ministry of Justice of the Kyrgyz Republic. Based on Government Resolutions No. 666 and No. 400, the Probation Department was established under the Ministry of Justice of the Kyrgyz Republic.¹⁵

When reforming legislation to incorporate a wider range of non-custodial measures, one should strive to ensure that the introduced changes lead to a reduction in the number of incarceration cases and a reduction in the number of offences which warrant a custodial sentence, thus avoiding so called net-widening.¹⁶ To ensure alternative measures are implemented effectively, it is necessary to clearly understand the role of the judiciary in the probation system as well as the role probation can play in informing sentencing decisions. In many countries, the reason why alternative measures are not applied as provided for in the law is a lack of confidence among judges in the implementation of public sanctions and penalties, as well as a lack of coordination of these bodies.

In order to gain a deeper understanding of the level of penetration of the probation system in Kyrgyzstan and its relationship with the judicial system in support of the current project’s aims, interviews were conducted with judges of the Supreme Court and the District Court in Bishkek. Within the framework of these interviews, certain key shortcomings were noted, which the judges associate with an omission in the development of the Probation Law and its interpretation in different regions. According to the judges, while the Probation Law indicates that judges hold the final decision in sentencing, there is inconsistent interpretation and use of pre-sentence reports among judges across regions. The judges who were interviewed have encountered cases where contradicting interpretations of the law have led to confusion in the weight pre-sentence reports should carry: in some situations the Probation Authority’s recommendations may not have been considered at all, whereas some judges may have considered the recommendations of a pre-sentence report mandatory, despite them being intended as only one factor to consider in determining the most appropriate sentence. According to the interviewed judges this issue arises directly from a lack of clarity in regulating the role of the Probation Service in sentencing decisions across all regions.

¹⁵ <https://probation.gov.kg/ru/o-departamente/istoriya-sozdaniya-probacii.html>

¹⁶ Penal Reform International (2016). On probation: models of good practice for alternatives to prison. <https://cdn.penalreform.org/wp-content/uploads/2016/12/Probation-model-report-final-2016.pdf>

“Some inaccuracies in the Criminal Code cause such problems ... as questions arise, for instance, in district courts, whether a judge depends on a probation report or not. The Probation Authority should be one of the bodies for the execution of punishment, but has taken a different path. It seems to me that it is wrong now to file appeals on the application or non-application of probation supervision, after all, this (the establishment of a measure of punishment) should remain the power of judges ... In order to solve this, it is necessary to delimit the powers of judges and the probation authority.”

Judge of the Supreme Court of Kyrgyzstan

The judges also noted the negative consequences the abolition of several authorities and the imposition of these powers to the Probation Authority had on the availability of non-custodial sanctions. More extensive grounds for exemption from punishment were previously applicable, but these are not provided in the current Criminal Code, which imposes restrictions on judges' decisions on sentencing under mitigating circumstances.

“The institute of probation has replaced the institution of conditional conviction, the termination of the case due to the reconciliation of the parties, the institute of sentencing below the lower limit or transition to another milder punishment, and the postponement of serving the sentence of persons with young children under 14 years old... It means that instead of four large institutes, one has appeared, which does not contribute to a decrease in the prison population, since probation is applicable only to the offences of minor gravity ... In my opinion, these are gaps of the current Criminal Code.”

Judge of the Supreme Court of Kyrgyzstan

On the basis of these interviews it can be noted that despite the formation of the probation institute and consequent amendments to the legislation of the Kyrgyz Republic, significant gaps remain. The new revisions of the Criminal Code of the Kyrgyz Republic, pending adoption, have sought to address these issues, stating the following:

The court, when imposing a sentence of up to ten years' imprisonment, taking into account the gravity of the offence, the personality of the perpetrator, his [sic] consent to probation supervision, as well as other circumstances of the case, concludes that the convicted person can be reformed without serving the sentence, may decide to release him from serving the sentence with probation supervision (probation), which is a coercive and encouraging measure of criminal-law influence.¹⁷

Thus, the courts will be granted wider discretion in utilising probationary supervision as an alternative to prison, even in cases where the seriousness of the offence could warrant the imposing of a lengthy prison term. According to the draft documents of the new Criminal Code, a draft that could also better delineate the rights and obligations of the Probation Service in line with the newly broadened scope for the use of probation supervision is under consideration. Although some amendments have already been introduced in the Criminal Code, they have not addressed the inevitable implications the broader use of non-custodial sanctions will also have on the Probation Service in terms of both caseload and the specific needs of clients under probation supervision.¹⁸

¹⁷ <http://www.kenesh.kg/ru/committee/article/9/3650/show/proekt-ugolovnogo-kodeksa-kirgizskoy-respubliki>

¹⁸ <http://cbd.minjust.gov.kg/act/view/ru-ru/112267>

General situation of probation in Kyrgyzstan

To date, the probation authority has registered 5,045 probation clients, including: 4,181 pre-trial probation clients, 1,109 penitentiary probation clients, as well as 105 juvenile probation clients.¹⁹ The discrepancy in the numbers is based on the fact that a probation client may fall under more than one category (e.g. juvenile and penitentiary or pre-trial probation). It is also worth noting that pre-trial probation in Kyrgyzstan overlaps with penitentiary probation during the completion of pre-trial reports, prior to the probation client's release from prison.²⁰

Tasks of the Probation Department

According to information provided on the official website of the Probation Department and by interviewed probation representatives, the specialists (i.e. probation officers) of the Probation Service draw up individual programs for the provision of social and legal assistance for clients. Depending on the needs of the probation client, an action plan is drawn up. The possible services and support at the post-trial stage are noted below (pre-trial probation services are listed in the footnotes²¹).

Post-trial probation measures:

- Monitoring and supervision of probation clients in accordance with their sentencing requirements and penal legislation;
- Provision of social, legal and psychological assistance;
- Assistance in finding and keeping employment;
- Support in positive behavioural change;
- Support the development of a positive mental attitude to engage in systematic work activities;
- Rendering assistance in obtaining education and professional qualifications;
- Assistance in obtaining the necessary documents for registration on place of stay or place of residence;
- Assistance in obtaining medical, social services, pension provision;
- Engaging the public in the provision of correctional services and community corrections;
- Restoration and formation of socially useful ties.

According to the Probation Department, when providing social support to probation clients and juvenile probation clients, probation authorities face the following problems:

- lack of rehabilitation centers, including temporary housing for homeless probation clients;

¹⁹ Outcome of a Survey to Determine the Needs of Probation Clients and Juvenile Probation Clients, Probation Department, 2020. Available in Russian at: <https://probation.gov.kg/ru/gossoczakaz/667.html>

²⁰ Ministry of Justice of the Kyrgyz Republic. Probation law in Kyrgyzstan: <http://cbd.minjust.gov.kg/act/view/ru-ru/111517>

²¹ Pre-trial probation services – not the focus of the current study – include:

- Carrying out social research into persons at the pre-trial stage of criminal proceedings in order to prepare a probation report on the accused;
- Assistance in conducting reconciliation procedures of the probation client with the victim;
- Intervention to provide probation clients with socio-legal and psychological assistance;
- Legal advice and qualified legal assistance;
- Assistance in restoring lost rights and documents;

- in employment, due to the presence of a criminal record and lack of professional education;
- lack of clients' documents (identity documents, diplomas, certificates);
- lack of long-term psychological rehabilitation services;
- difficulties in obtaining free medical services;
- lack of resources to attract mediation specialists.

In 2020, the Probation Department made a total of 1,674 individual programmes to provide social and legal assistance as well as resocialisation and rehabilitation work to probation clients. However, the current research found that in some cases the individual programmes are not implemented in full accordance with the Law and the practical applicability of these programs is limited due to lacking or ineffective interdepartmental interaction between government agencies. Part of the noted inefficiencies and gaps can be accounted by the fact that the Probation Department is a completely new institution which itself needs time to adopt new responsibilities and systems of work. In addition, the fact that most of the creation and development of the Department took place during the pandemic in Kyrgyzstan has brought and continues to cause challenges.

According to a 2020 study by the Probation Department about 78% of employees of the territorial divisions of the Probation Department highlighted that for the effective rehabilitation and resocialisation of probation clients it is necessary to establish interagency cooperation between government agencies. Employees also noted that close cooperation with non-governmental organisations and charitable foundations is important and necessary to support the rehabilitation of probation clients and increase work efficiency. Civil society organisations are more accountable and closer to the probation authorities than to other governmental departments (e.g. judicial authorities, administrative authorities, etc.) and often assist in the creation of a database of vulnerable probation clients. Through the use of the database, timely support can be provided for vulnerable clients, leading to more successful and effective socialisation of probation clients and the prevention of potential violations of laws due to a lack of resources. The respondents from the Probation Service also noted the importance of cooperation with local authorities and business owners to help clients resocialise and get support from local communities. Probation clients could be employed by local businessmen, thereby fulfilling a key component of successful rehabilitation. The Probation Department's study also found that the limited human resources of the probation authorities, combined with a large number of current tasks and highly bureaucratic procedures, complicate and lengthen or delay the provision of social and legal assistance to clients; this was also reflected in the current research.

“Since there is lots of work, we do not have time to carry out the main activity (psychological assistance) due to lack of staff. To date, our office has 60 post-trial probation clients [for two employees]. In addition, we have work with penitentiary probation and pre-trial reports. We try, but we barely manage to do it.”

Representative of regional division of Probation Department

Impact of COVID-19 on the work of the Probation Department

Work of the Probation Department during the COVID-19 pandemic

In response to the COVID-19 pandemic, the Probation Departments across Kyrgyzstan sought to move their staff to “remote mode” – to be described in this section – in line with an Order of the Central Office of the Probation Department. The order included requirements to comply with sanitary quarantine measures as well as to provide the probation offices with necessary protective equipment (PPE). All interviewed representatives of probation services from five regions of Kyrgyzstan noted that the period during which fully remote working was expected lasted from March to May 2020, at the time of the strict quarantine measures in Kyrgyzstan.

A representative of the Bishkek office noted that probationary supervision staff had started preparations for transition to service provision in online format prior to the commencement of the pandemic, in September 2019, but at that time the system was only at the discussion stage. Thus, the computerised general document management system started only in August 2020 and entered its pilot phase from January 2021. As noted by the employees of the probation service in the regions, the transition from paper versions to an electronic database is still ongoing. This factor somewhat complicated the efforts of employees to keep to remote working only, due to the needed duplication of reporting in written and online format. Employees note that if this system is fully established within two years, it will help to facilitate their further work, including in the event of a repeat of the quarantine situation.

“We implemented it in December 2020 and we are, in fact, the only government agency that was able to integrate into the system of public services. We have already transferred pre-trial, probationary and penitentiary probation into this program. Now we are transferring post-penitentiary. This programme is now in pilot regime throughout the Republic.”

*Representative of the Probation Department
under the Ministry of Justice of the Kyrgyz Republic*

Despite the governmental measures restricting movement and calling for remote working, probation officers had to work from probation offices throughout the pandemic. The available infrastructure and working conditions did not allow for the department’s necessary activities to be carried out at home. The reason for this discrepancy, as noted by the interviewed staff, was the impossibility of transferring personal probation client files of probation clients to the homes of staff due to the need to preserve confidentiality and the large amount of data they work with.

“We formally worked remotely, but at the same time we were coming to office from home. We couldn't work online (from home) because we couldn't take clients' personal files with us. After all, they always must be in the workplace.”

Representative of regional division of Probation Department

In order to limit the spread of the COVID-19 virus probation officers followed schedules for going to office, working in shifts of no more than two people in the office at a time. Due to the halting of public transport and a restriction on driving throughout the Republic it became more difficult for employees to go to the office. Probation officers arrived at their places of work by foot or by stopping passing vehicles. As advised by the government, probation officers were given personal protective equipment, and the state service SES carried out cleaning of the premises twice a

month. In places where such services were not provided, the employees themselves disinfected the premises. Probation officers also tried to protect themselves and their colleagues by maintaining a physical distance.

“We were sent with personal protective equipment (antiseptic, masks and gloves), and the Management also demanded us to maintain a distance. Disinfection of the office was carried out twice a month, now carried out once by SES.”

Representative of regional division of Probation Department

To limit the spread of COVID-19 infections, probation officers switched monthly monitoring meetings with their clients to a remote mode so clients did not have to come to probation offices. Some regions increased this monitoring to a weekly basis due to recognising that the crisis could lead to a deterioration in the psychological state of probation clients. The monitoring included monitoring of the mental and physiological state of clients as well as their financial situation to offer individualised support. Reports were compiled on the basis of these monitoring activities and sent directly to the regional headquarters of the Probation Department. Not all probation officers managed to completely switch all clients to remote mode, however. As noted by an interviewed probation officer in one of the regions, not all clients could be available for phone meetings, due to limited access to phones or changes to their own phone numbers, in which case probation officers made personal visits to clients' homes. It is interesting to note that these issues were only noted by participants in one region; all other regions found better ways to stay connected with clients. In order to avoid such situations, employees warned clients about the need to inform the probation services about changes in their phone number and compiled lists of close relatives for alternative contact details for reaching clients.

“At the time the quarantine began, we worked remotely, but I came to the office every day [to work alone]. We did not have clients come to the office, only by phone. We called clients every week to clarify what they were doing, whether the households were not sick, how they felt, what they were eating, whether they have any medicine (if necessary). Psychological conversations were carried out: whether they did not fall into depression. We were filling out the forms and sending them to the regional office. At this time, we did it more intensely because they (clients) became more vulnerable.”

Representative of a regional division of the Probation Department

Interviewed probation officers did not indicate a change in the overall workload due to the COVID-19 pandemic. Despite the transition to a remote mode of work, the courts did not stop their activity, which imposed certain obligations on probation staff. Thus, employees continued to perform their usual work at full capacity, including the preparation of pre-trial reports.

“The pandemic did not affect our work in any way, the number of clients did not change.”

Representative of a regional division of the Probation Department

At the same time, it was often not possible to conduct conversations with clients online, in part due to the financial situation of clients (most of the probation clients do not have access to smartphones with a built-in camera). To mitigate the risks of spreading COVID-19, some probation officers from the central Bishkek region conducted shorter conversations in person (15 minutes) with clients, while observing quarantine measures (i.e. keeping distance, wearing masks, gloves).

“The courts did not stop working. Regarding pre-trial reports, we went to their homes (to clients), but at the same time we had fear because the situation (with COVID-19) was difficult, and we had to contact people. Of course, with masks and gloves.”

Representative of a regional division of the Probation Department

Despite the many changes and challenges faced by staff, it is worth mentioning the effectiveness of the probation authorities’ work during this period. As noted by a representative of the Probation Department, cited in PRI project documents for Kyrgyzstan, the recidivism rate among probation clients in 2020 was 0%.

Positive measures taken by probation authorities in response to the COVID-19 pandemic

The COVID-19 pandemic has had a huge negative impact on many vulnerable populations, including probation clients. To mitigate these consequences, the probation departments have responded by their own efforts. While adjusting work processes and service delivery in line with governmental regulations probation officers carried out increased monitoring of the psychological and physical condition of their clients during the quarantine period in order to reduce vulnerability and the risk of recidivism.

Given the difficult epidemiological situation, the Bishkek Mayor’s Office and the Probation Department under the Ministry of Justice of the Kyrgyz Republic designated the territory of the National Hospital as a location for community service by probation clients in order to mitigate the loss of community service options and support the increased need for services. People convicted of minor crimes were placed in a team providing hospitals with oxygen and six probation clients began working as hospital orderlies. The Ministry of Health has signed a contract with every probation client who has expressed a desire to work. The involvement of probation clients in the fight against COVID-19 has helped to partially dissipate the societal stigma faced by probation clients, while also ensuring clients had the continued opportunity to participate in meaningful activities. The media published articles about the contribution of these clients, which in turn improved clients’ feelings of self-worth. Notably, one of the probation clients received a certificate from the mayor's office of Jalal-Abad region for his active contribution to the fight against COVID-19. Involvement in these works helped to temporarily employ some probation clients who were in need.

“During quarantine we did not send clients to community service. There was one client who wanted to and worked as a cook during the quarantine. He received an appreciation letter from the mayor's office afterwards.”

Representative of a regional division of the Probation Department

Humanitarian aid for needy probation clients made a significant contribution to improving the conditions of clients. For instance, probation officers and NGOs compiled lists of the most vulnerable families of clients who needed support, and everyone on the list was given food packages that helped them survive the COVID-19 crisis. Probation officers delivered the aid themselves to ensure that all clients in need were provided with food.

Due to the limited financial resources of the probation authority, probation officers went beyond the requirements of their professional role and tried to find external sponsors to help clients

charitably. For instance, probation officers in one of Kyrgyzstan's regions were able to raise money for medicines for a probation client who was infected with COVID-19.

"There was one client who was infected. My colleague and I started collecting funds for medicines, collected it on our own. Unfortunately, many people refused when they learn that it's for probation clients, but we still collected funds."

Representative of a regional division of the Probation Department

Despite the difficulties encountered by probation clients, the Probation Department tried to assist in helping these clients both within and outside the realms of the official duties of probation specialists. At the same time, to improve intended support and provide lasting ways to more effectively help probation clients, both generally and in the face of crises such as the ongoing pandemic, it is apparent that developing an exchange of experience between probation officers will help introduce and apply the same client support measures across regions and individual contexts.

Impact of COVID-19 on probation staff

Interviewees from the Probation Department included Chief Probation Officers as well as the head of the oversight unit. As previously noted, officially employees had to switch to remote mode immediately after the declaration of an emergency in Kyrgyzstan. Probation officers noted that, despite some difficulties at the beginning of quarantine due to the challenges of remote work with clients and restrictions on movement across Kyrgyzstan, adaptation to the pandemic measures was relatively easy and quick.

"It was difficult to work remotely at the beginning, but we quickly got used to it and everything returned to the same mode of work. Everything went well."

Representative of a regional division of the Probation Department

In general, the interviewed probation staff described their psychological and physical condition during this period as stable, including those employees who had to hold personal meetings despite the ongoing pandemic. Some employees noted feeling uneasy about the threat of contracting the disease through personal contact with clients. At the same time, apart from the order to transfer to remote working and the provision of PPE, no additional measures were put in place to support employees (e.g. psychological support, flexible or adjusted working hours or workload).

At the end of quarantine – which lasted from March to May 2020 in Kyrgyzstan – employees returned to standard work, with the only change being the use of masks and antiseptics. None of respondents mentioned other sustained changes after the period of strict quarantine mode was finished. According to the respondents, there were no positive or negative changes to the work of employees of probation service after the COVID-19 crisis.

"The same work as before COVID-19, in the period and after. I don't feel any change."

Representative of a regional division of the Probation Department

While the interviewees had very few complaints about the impacts of the pandemic on their work and wellbeing, all interviewed regional probation officers noted problems of a general nature,

unrelated to the pandemic. These included a high workload for each employee and a limited number of staff.

“Since there is a lot of work, we do not have time to carry out the main activity [psychological assistance] in full. Due to lack of staff.”

Representative of a regional division of the Probation Department

Thus, it can be noted that while the quarantine measures did not significantly change the workload of probation officers, staff in many regions of Kyrgyzstan faces challenges due to limited staffing and high workloads. While employees did not note significant consequences of the pandemic for themselves and very soon returned to standard work, operating standards are still being developed and a lack of adjustments to the volume or work left some gaps in the sense of efficiency and overall wellbeing of staff.

Impact of COVID-19 on vulnerable populations and probation clients

Impact of COVID-19 on vulnerable populations in Kyrgyzstan

Research on the impact of the COVID-19 pandemic on individuals serving non-custodial sentences is lacking. Recognising this gap, this subchapter seeks to provide insights into some of the main difficulties probation clients face during the COVID-19 pandemic by considering several intersecting issues that disproportionately impact individuals in contact with the criminal justice system and that may leave many of these individuals highly vulnerable in times of economic or social turmoil.

Prior to the COVID-19 pandemic, Kyrgyzstan made progress in poverty reduction as the overall poverty rate (by national definition) fell from 32.1% of the total population in 2015 to 20.1% in 2019.²² At the same time, considering data at the international level, 15.5% of the country's population lived below the World Bank's recommended threshold of \$3.20 per day in 2018. According to reporting by the United Nations Development Programme (UNDP), more than 90% of the country's population continued to live below US\$10 a day in 2018, which is still the threshold for inclusion in the global middle class.²³ Thus, Kyrgyzstan can be seen as particularly vulnerable to the pandemic, as most of the country's population lives in poverty or dangerously close to the threshold. As the number of people who lost their permanent earnings increased as a consequence of COVID-19, the socio-economic situation in the country has worsened during the pandemic.

Although the effects of the crisis are yet to be fully realised, 82% of household respondents in a May 2020 WFP survey reported having had to resort to negative economic strategies during a pandemic, such as selling or depleting assets to cope with a crisis (up from 58% household respondents in 2019).²⁴ UNDP research on the socioeconomic impact of COVID-19 in the country notes similar findings: among all poor households in Kyrgyzstan 52% reported some or significant deterioration in their financial situation during the pandemic.²³ Of all low-income respondents,

²² National Statistical Committee of the Kyrgyz Republic: <http://www.stat.kg/ru/opendata/category/120/>

²³ Kyrgyz Republic COVID-19 Report: Socioeconomic Impact and Vulnerability Assessment, 2020, UNDP, ADB. https://kyrgyzstan.un.org/sites/default/files/2020-08/UNDP-ADB%2520SEIA_11%2520August%25202020%2520Rus.pdf

²⁴ World Food Programme. https://kyrgyzstan.un.org/sites/default/files/2020-10/WFP_Rapid%20HFSA_Report_Final_Rus.pdf

44% reported an increase in food costs, and 34% reported an increase in medicine costs. Nearly two-thirds of the poor households surveyed reported that they received some assistance from central or local government. In light of such data, World Bank forecasts show that the consequences of the pandemic could lead to an increase of up to 10.5% in the national poverty level in Kyrgyzstan. This could have devastating consequences for the prospects of the Kyrgyz Republic, also directly affecting the most vulnerable segments of the population, such as probation clients. Interviewed probation specialists estimated that up to 70% of probation clients are vulnerable and lack access to the labour market, education, medical care and social services in general. During and after COVID-19 restrictions the situation became much worse. Probation clients need financial resources in order to successfully re-integrate into law-abiding life and abstain from recidivism. However, not all probation clients have the financial means to support themselves until the end of their probation period, according to a report "Research of Probation Clients' Needs" by the Department of Probation in Kyrgyzstan.²⁵ This research is one of the few quantitative studies conducted on Kyrgyz probation clients in recent times. Therefore, the study will be mentioned throughout the current report. The purpose of the 2020 study was to identify the needs and requirements of probation and juvenile probation clients for social services. As part of the study, 48 probation clients were interviewed in person and 130 were interviewed through an online questionnaire, including minors.

In the above-mentioned research by the Institute for Economic Policy Research, nearly all respondents with chronic conditions reported worsening access to specialised care, either due to higher costs, limited physical access, or increased focus of healthcare facilities on patients diagnosed with COVID-19. The COVID-19 response programme has virtually destroyed other planned activities in the healthcare system and focused all the resources of medical institutions on the fight against the pandemic and its health consequences. Patient access to specialised medical care was severely limited due to quarantine measures.

The pandemic-related rise in unemployment in the country has had a large negative impact on many citizens of the country, both in cities and in rural areas, who were not previously classified as poor or vulnerable. On 17 and 18 April 2020, the country's two main news agencies – www.24.kg and www.akipress.org – published the results of a survey showing that more than half of their readers have completely lost their income from employment.²⁶ Considering the challenges individuals serving probation sentences face in securing employment, it is expected that this reporting is also reflective of increased financial challenges among our population of focus.

Impact of the pandemic on probation clients

The Kyrgyz government provided limited social protection measures in response to the pandemic. The only measure that was included in the first package of public policy measures aimed directly at vulnerable households was the provision of food assistance to people deemed most in need.²⁷ According to the website of the Probation Department, actions were also carried out in the form of humanitarian or financial assistance to probation clients, despite the Ministry not formally recognising them as a distinct vulnerable group. In 2020, the total number of beneficiaries included 165 probation clients from poor families; in 2021 36 clients received such aid.²⁸ Most of

²⁵ <https://probation.gov.kg/ru/gossoczakaz/667.html>

²⁶ <https://ru.sputnik.kg/society/20200720/1049078908/kyrgyzstan-osuzhdennye-probaciya-pomoshch-koronavirus.html>

²⁷ According to a list provided by the Ministry of Labour and Social Development. See: <http://cbd.minjust.gov.kg/act/view/ru-ru/92880>

²⁸ Data based on the Probation Department website: <https://probation.minjust.gov.kg/ru/sobytiya/novosti>

the charitable actions to help probation clients were conducted with the support of public foundations, the government and other donors, including food and material assistance to vulnerable families of probation clients left unemployed during the pandemic.

“Above all, we provided humanitarian aid to those clients who were in dire need of it. We went to their house, delivered food. We prepared lists, and the state allocated 800 soms per person.”

Representative of a regional division of the Probation Department

It is noteworthy that one of the actions was organised and financed directly by an individual serving a probation sentence in Talas city. The charity event was initiated and supported by a client who wished to remain anonymous and implemented in response to a request to the probation authorities by the Individual Program of Social and Legal Assistance and clients in need. As part of the action, food aid was provided to the families of ten low-income probation clients.

“Among those who lapsed before the law, there were also those who expressed a desire to help the country in this difficult period. Thus, through the efforts of one probation client, hot meals were organised for 150 doctors in the “red zone” for ten days.”

Representative of the Ministry of Justice of the Kyrgyz Republic²⁹

Based on data that is already available and the findings of the current research, it can be intuited that the coronavirus pandemic has had a significant impact on all segments of the population, but in particular it has put at risk the most vulnerable, also including probation clients.

The negative impact of the pandemic on probation clients manifests in the following ways:

- An increased risk of unemployment, impacting even those jobs that were previously available to them, as a consequence of the high overall level of unemployment in the country and the resulting high competition in the labour market;
- Increased financial burden due to higher prices in the market (the corresponding annual inflation rates in April 2020 were about 9% and 16% respectively);
- Limited or no access to quality health care and medical, social services, both as a result of limited service provision in line with governmental restrictions and due to the health care sector focusing heavily on COVID-19 care;
- Longer processing times for official documents (e.g. receiving of passports, status of person with disabilities, etc.) due to an overall slowing down in the work of state bodies;
- Exacerbation of the above factors due to low levels of computer literacy and limited access to high-speed Internet, which limits online or remote working opportunities and the opportunities to benefit from remote probation services. Individuals without the possibility to partake in remote probation services either received limited support or faced an increased risk of infection / transmission.

According to interviewees, the COVID-19 pandemic resulted in changes in the work of clients with probation services due to restrictions on movement. While clients continued to receive monthly support and monitoring of their conditions through, either through telephone communication or in person, not all regions were able to provide clients with necessary protective equipment in the

²⁹ <https://ru.sputnik.kg/society/20200720/1049078908/kyrgyzstan-osuzhdennye-probaciya-pomoshch-koronavirus.html>

event of required in-person visits. According to our research, only one region (Head Department) was able to secure PPE for those clients who had to appear at the office. Further challenges were faced as those who received administrative sanctions in the form of community service were forced to suspend their activities due to the national state of emergency (March – May 2020).

Clients who were ready to carry out public works by helping in governmental “red zones” were involved in agreed kinds of public works. Probation clients were involved in work such as cooking, cleaning designated premises and, if they had a medical education, paramedic work. Involvement in this type of work was established only with the consent of the client himself. These kinds of opportunities were not available for all, however, and individuals who were assigned community work as part of their sentences but were unable to connect to work in red zones failed to meet their obligations for the period from March to May 2020, which lengthened their probation period by 2.5 months and postponed continued community service until the summer of 2020.

“The probation clients made concessions with us. Whoever was assigned to community service or who needed work could work in the red zone. For this period, we officially registered those who received salaries through an agreement with the National Hospital. Those who were not paid salaries were counted as hours of community service.”

*Representative of the Probation Department
under the Ministry of Justice of the Kyrgyz Republic*

Among probation clients, those most impacted by limited access to health care during the pandemic were those with concomitant diseases, especially in light of most medical services being focused on tackling the pandemic and treating COVID-19 patients. To mitigate challenges in this regard, probation staff sought to provide clients with appropriate medicines with the help of sponsors or public donations.

Another uniquely vulnerable group among probation clients were those without identification documents, as the quarantine period from March to May 2020 saw an increased number of inspections on Kyrgyz citizens. According to an interviewed director of an NGO working with probation clients alongside other vulnerable groups, these actions limited both the services provided to this group and their sense of safety. According to the Probation Department, the number of clients in need of restoration of identity documents and other documentation in Kyrgyzstan is 401, of which:

- 188 clients are in Chui oblast and Bishkek city;
- 104 clients are in Issyk-Kul and Naryn oblasts;
- 109 clients are in in Batken, Jalal-Abad and Batken oblasts.³⁰

“Many clients who did not have passports during quarantine were afraid to go outside. The probation service asked them not to come [...] Thus, the category that did not have documents during checkpoints and inspection was very vulnerable.”

Director of an NGO

During the interviews difficulties such as job loss and termination of educational activities among probation clients were noted. This is unsurprising, considering the overall impact of the pandemic on the education system in Kyrgyzstan. Most kindergartens, schools and universities were closed

³⁰ <https://probation.gov.kg/ru/gossoczakaz/667.html>

or switched to distance learning, despite the system not being ready for such changes. Individuals from remote regions and socio-economically disadvantaged families were left without any access to education. Probation clients were also unable to access educational services during this period due to the closure of educational institutions in line with restrictions. The chances of job loss among the probation population was also higher due to the fact that the types of jobs probation clients usually are able to obtain – including loading, construction, in supermarkets and others – were not available during quarantine. The impact of the pandemic on client employment has had a lasting effect, with many small businesses shutting down due to the COVID-19 crisis.

“Most of the clients lost their jobs during the pandemic. Many small companies closed after quarantine, those who worked there were left without work. Most construction work has been suspended. It was hard for them, we had to help them mentally.”

Representative of a regional division of the Probation Department

According to the same report on the needs of probation clients of the Probation Department in Kyrgyzstan, the number of probation clients in need of employment for 2020 was 482 clients of which:

- 129 clients were in Chui oblast and Bishkek city;
- 111 clients were in Issyk-Kul and Naryn oblasts, and;
- 242 clients were in Batken, Jalal-Abad and Batken oblasts.

Finally, a lack of a permanent accommodation is noted as a major concern for 43 probation clients, of whom 14 are in Chuy province and Bishkek city, in Batken, Jalal-Abad and Osh provinces 28 probation clients and in Issyk-Kul province one client needs temporary accommodation.³¹ Clients living in cities or towns were found to be a uniquely vulnerable group in this regard. Since both access to land and closer family ties tend to be prevalent in rural areas, problems with food security and housing were not as acute as in urban areas. In the course of the interviews, it was found that several shelter organisations that provide hostels for vulnerable groups of the population were closed during the pandemic, and dormitories are still not operational due to a lack of funding. This issue is under consideration by the Probation Department with the intention to create these hostels through the state social order.³² The creation of two hostels is planned: in the south and in the north of the country. According to the plan, these hostels will also provide opportunities for work by creating greenhouses or manufacturing on the premises.

“We are thinking of how to create jobs, we want to create rehabilitation centers with the help of PPP through the state social order. Build in the north and south. We will provide housing and a hostel, and also create training and production centers. Greenhouse, sewing workshop or whatever. They will receive a salary, which in turn will reduce the risks of recidivism. Plus the solution for the housing issue, plus the solution for issues with registration.”

*Representative of the Probation Department
under the Ministry of Justice of the Kyrgyz Republic*

³¹ <https://probation.gov.kg/ru/gossoczakaz/667.html>

³² A state social order is the mechanism for implementing part of republican, sectoral, regional or municipal social programmes aimed at providing social services to the population or achieving other socially useful objectives by involving legal entities and individual entrepreneurs in their implementation, based on contractual relations and provided with funding from the republican and/or local budgets;

Despite the fact that probation clients from cities are more vulnerable in housing issues, it can be noted that land ownership by clients from rural areas³³ also had a negative effect in one of the regions of the Republic for those who would like to learn new specialties through free courses from the state. Clients born before 1996 whose records show a parcel of land as a part of their property are automatically considered employed in agriculture. Thus, this category of clients is not eligible for training that is provided free of charge by the state. In addition to impacting educational opportunities for this specific group, the presence of a large number of clients deemed ineligible for available free courses also results in other clients not getting access to education due to a lack of necessary enrolment numbers for training courses.

"What's bad is that when we go to social services and ask to train our clients, they refuse us. They justify it by the fact that they train only those who do not have jobs, but our clients have land shares. Then, we asked to teach those who did not have, but they could not learn either. At first there was no funding, then the groups could not be filled. Clients want to study, but they have no money for private courses. "

Representative of a regional division of the Probation Department

Even with the above noted challenges, the staff of the Probation Department assisted as many as 112 probation clients across the country with training in 2019-2020. Currently, 101 probation clients have expressed need for professional training through short-term courses in in-demand professions that would enable them to get a job in a short time (for example, driving, welding, electrical training, bricklaying, plumbing, floristry, nail technician training, and hairdressing).³⁴ It is unclear whether this need is currently being met.

Despite the difficulties encountered by some client groups both during and outside the specific context of the pandemic, as noted by probation staff, the Probation Department report and other available data, it is worth noting that none of the three interviewed clients noted experiencing particular challenges during the COVID-19 pandemic and all continued their probationary supervision without any difficulties. All interviewed probation clients spoke very positively about the work of the probation officers and local field staff in particular.

"There were no problems, the probationary period ended and I stopped going to the probation office."

Probation client

Impact of COVID-19 on release processes and post-release services

In terms of reducing the prison population in 2020, Kyrgyzstan released individuals within the framework of the Law "On Amnesty in Honor of the 75th Anniversary of Victory in the Great Patriotic War of 1941-1945 and the 10th anniversary of April revolution in 2010".³⁵ According to the State Service for the Execution of Punishments as of 8 May 2020, 44 people were released and 483 had their sentences reduced.³⁶ A further 975 convicted people received amnesty under the

³³ A land ownership share is an agricultural land plot (broken down by lands) granted to rural citizens of the Kyrgyz Republic on a free-of-charge basis in the course of the land and agrarian reform, the ownership right to which is certified by a license. (As amended by Law No. 129 of KR dated 25 July 2006)

³⁴ Probation Department, Ministry of Justice of the Kyrgyz Republic. <https://probation.gov.kg/ru/gossoczakaz/667.html>

³⁵ Ministry of Justice of the Kyrgyz Republic. <http://cbd.minjust.gov.kg/act/view/ru-ru/112036>

³⁶ Coalition Against Torture in Kyrgyzstan. <https://notorture.kg/?p=4371>

Law on Economic Amnesty.³⁷ It is worth noting, however, that these releases and the reductions in sentences were not directly linked to the COVID-19 pandemic, but were realised under a program commemorating a national historic event. The government did not develop emergency release methods or other measures to reduce the prison population in response to the pandemic.

Separate questions were asked about those probation clients who left places of detention during the pandemic. According to probation officers, no special measures were applied to this category of clients when they were released, apart from the organisation of *information stands in two regions to provide those recently released with information on COVID-19*. No testing or PPE was distributed. It can be assumed that these tests were not carried out due to the limited number of tests in Kyrgyzstan and their high cost (30 USD). COVID-19 tests were generally not provided to government authorities, including the probation service. They, like all other clients, were consulted and given information on safety measures during the pandemic and helped in re-socialisation through a mix of in-person and remote services. Despite the great vulnerability of the probation clients who have recently left places of detention, the probation service has not developed special mechanisms for serving this category of citizens.

Conclusions

The current research, despite its limitations because of the small number of participants across the targeted stakeholder groups that was available for interviews, sheds important light on the implementation of non-custodial sanctions in Kyrgyzstan in the context of the COVID-19 pandemic and beyond, considering both the perspective of probation staff and those serving probation sentences. Overall, it seems that while there were challenges in moving probation services to a fully remote mode of working, the staff did not experience a significant shift in the workload and was able to continue providing monitoring and support to probation clients through mixed means even through the most intensive quarantine period. Individuals serving probation sentences were offered opportunities to support COVID-19 relief efforts, mitigating some of the negative impacts of the discontinuation of community services between March and May 2020, and while access to education and health care services was unavailable or limited, probation staff made efforts to offer targeted support to clients who were deemed vulnerable and in need. While the interviewed probation clients did not indicate challenges related to probation services as a result of the pandemic, insights from probation specialists, NGO representatives, national research and publicly available sources point to a number of areas that are likely to leave this population particularly vulnerable in times of national emergency and social and economic unrest.

Summing up the findings of the research, the following conclusions can be noted:

1. In line with the government's response to the first wave of COVID-19, resulting in a national quarantine period from March to May 2020, the provision of probation services was to be transferred to a remote mode of work. After national measures were announced, probation staff were promptly and effectively informed of the expected changes in restrictions and working methods through the release of an order. In general, probation staff returned to normal work after May 2020, and no further restrictions were put in place during later waves of the pandemic.
2. Unfortunately, not all staff could adapt to the expected changes and continued to work

³⁷ Kaktus Media. 24 March 2021.

https://kaktus.media/doc/434236_k_975_osyjdennym_primenili_ammistiu.html

in the office and through in-person means – at least partially. This was because client records and data management was not fully available online, as the electronic system was only being developed. Although probation monitoring and consultations with clients could generally be conducted remotely, meetings for drafting of pre-trial reports took place in person in compliance with security measures. While staff were provided with sufficient PPE for work, not all clients could be provided with PPE.

3. The measures taken during the quarantine period did not affect the availability of the services provided by the Probation Service, except for halting of community service from March to May 2020 for clients who could not or did not agree to participate in available work in “red zones”.
4. In response to the COVID-19 pandemic, the Probation Department prioritised ongoing development of its electronic data management system, enabling the shift to take place faster than originally planned. This can be considered the main positive effect of the crisis period and a measure that continues to have a positive impact on probation services after the quarantine period. The final development of the system and consequent adaptation of operations continued from July 2020 to the end of 2020, with the pilot phase starting in early 2021.
5. COVID-19 did not have an impact on the overall number of probation clients and, according to representatives of the Probation Department, there were no cases of relapse among probation clients during the period of COVID-19 in Kyrgyzstan.
6. While the workload of probation staff did not change during the pandemic, the restrictions in response to COVID-19 made the working conditions more difficult for those probation officers who had to continue working in the office due to systems limitations. Closures of public transport also posed challenges. Some staff noted a change in their emotional state during this period because of concerns for their own health and safety while continuing to provide in-person services and traveling to work.
7. Staff interviewed for this study did not report additional support from the Probation Department during the pandemic (e.g., transition assistance, adjusted expectations for outcomes or workloads, considering additional caregiving responsibilities outside of work, mental health support, etc.) beyond providing PPE and calling for a switch to a remote mode of operation.
8. Some of the main challenges that participants noted with regard to the provision of probation services were not related to the pandemic:
 - a. Limited staff impacts the provision of support services.
 - b. Operating standards and service infrastructure across the service aren't fully developed, leading to inefficiencies and regional differences in service provision.
 - c. Lacking partnerships, both with other governmental bodies or department and with community service providers, limits the provision of comprehensive services and support, even when individual programmes have been developed. These challenges can in part be attributed to the newness of the Probation Service and a large part of its history coinciding with the unprecedented circumstances of a pandemic. Nevertheless, participants noted the importance

of developing clear guidelines and standards and forming strong partnerships in order to offer effective and comprehensive services in support of the goals of reduced recidivism and successful resocialisation of probation clients.

9. Drafted revisions to the Criminal Code are coming into effect over the coming months. It is expected that their adoption into sentencing practice will expand the use of probation in lieu of prison sentences, particularly for more serious offences, broadening the scope of work for the Probation Services.
10. The economic crisis and social instability that was caused by the pandemic caused significant challenges to probation clients. Access to services, including education, health care and the processing of documents, was more limited than usual. While probation clients are recognised as a uniquely vulnerable group by research that was conducted by the Probation Service, they do not fit within governmental categories of people eligible for “comprehensive support.”
 - a. A unique issue of concern that came up during the research had to do with probation clients who own land. Under current legislation, these individuals are automatically deemed ineligible for free educational or training opportunities due to land ownership being considered as employment in the agricultural sector.
11. The pandemic and the following restrictions and measures had a particularly negative impact on certain groups of clients left vulnerable due to a specific background or personal characteristics. These include:
 - a. clients with limited financial means or computer literacy, limiting their access to technology and ability to participate in remote services;
 - b. clients who live in cities but do not have access to housing, who have experienced higher levels of housing and food insecurity due to the closure of a large number of shelters following funding reallocations to health care;
 - c. clients without identity documents, who were afraid to leave their homes and attend services due to intensified checks at checkpoints during the period of restrictive measures;
 - d. clients with medical conditions who struggled to access necessary health care and services during the pandemic;
 - e. clients who lost employment due to governmental restrictions and business closures.

While these problems existed among probation clients before, the pandemic has exacerbated and increased their prevalence.
12. In view of the restrictive measures in force throughout the republic, community service placements were not available to the usual extent and could not meet demand. Those interested could continue fulfilling such sentence requirements by helping in the fight against COVID-19. For the rest, this component of their sentence was postponed until after the lifting of restrictive measures (May 2020).
13. In some regions, clients received increased support and more detailed psychological assistance from probation officers during the recognised crisis period. In some instances, probation staff went above and beyond their professional duties to offer support to clients in need. There were also efforts throughout the country to provide humanitarian

and financial support for clients deemed most in need of social support. This was realised through partnerships between the government and civil society and with the support of donors.

14. The courts and all relevant authorities continued to work throughout the pandemic, but their sessions were held remotely. Probation officers drew up pre-sentencing reports in accordance with prescribed regulations and in the same volume, also holding personal meetings with clients of penitentiary probation.
15. Limited clarity on the roles of the judiciary and the Probation Service’s pre-sentencing reports in decision making at the time of sentencing results in different practices across regions.
16. The pandemic had no impact on release processes. Despite expressions of concern from international organisations and human rights defenders, Kyrgyzstan did not implement emergency release mechanisms from places of detention in response to COVID-19.
17. Beyond receiving information on the ongoing pandemic at the time of release, people leaving prison did not receive any additional support in response to COVID-19, such as a COVID-19 tests or PPE.
 - a. Information stands were put in place in a few regions to provide comprehensive information, but this was not done across the country.
18. In the post-pandemic period, no changes are expected to be made to the provision of probation / release / non-custodial measures and services.
19. The involvement of probation clients in volunteering to combat COVID-19 garnered some media coverage, which could have a positive impact on public attitudes toward probation, community sanctions and alternatives to imprisonment.

Lessons learned and recommendations

In order to make the Probation Service stronger and more resilient in the face of future adverse events and ensure non-custodial sanctions in Kyrgyzstan are widely available, effective and non-discriminatory, even in times of crises, there are a number of steps that can be taken. The following conclusions and recommendations for reform were formulated on the basis of insights and feedback from study participants as well as the conducted desk research and PRI’s expertise on international standards and good practice:

LESSONS LEARNED	RECOMMENDATIONS
Organisational issues that are not directly related to or the result of the COVID-19 pandemic negatively impacted the provision of probation services during the crisis and continue to limit the effectiveness and wrap-around nature of support. These include a lack of operating standards, lacking infrastructure, limited partnerships for comprehensive support and insufficient staff capacity.	1. Develop clear processes for inter-organisational communication and processes to be followed across regions during operational shifts in response to unexpected circumstances or crises.
	2. Collaborate and establish partnerships with other governmental bodies and with community service providers to support the delivery of comprehensive services for probation clients.

	3. Assess and address capacity needs within the Probation Service, including the securing of enough staff with skills in delivery of psycho-social support and the provision of relevant training for existing staff.
Following government restrictions, the Probation Service was called to switch all operations to remote / online mode, but this was not fully possible. There were regional differences in provision of services throughout the pandemic.	4. Standardise provision of services across the Probation Service to improve efficiency and ensure fair allocation of resources across offices in order to deliver consistent services and support for all clients (e.g. client-officer relations, support and services offered, methods and tools for service delivery) and avoid discrimination.
The Probation Department's electronic records management system was not fully operational during the pandemic, making fully remote work impossible and resulting in duplication of efforts.	5. Prioritise the finalisation and roll-out of the electronic records management system across all regions, and ensure employees receive digital literacy training to ensure uptake and proper use. Monitoring of the work with the new system should be conducted to ensure uniform standards across the country.
Sharing of information on COVID-19 and the pandemic-related restrictions and protective measures differed across regional probation offices, with only two of the regions included in this study having established information stands for persons leaving detention during the pandemic.	6. Strengthen and standardise information sharing with probation clients across regions, particularly at the time of national crises. Ensure clients under non-custodial sanctions as well as penitentiary probation receive comprehensive information, including individuals with limited literacy, language barriers, disabilities or other characteristics that may require special communication strategies.
Clients from urban districts were among the most vulnerable groups during COVID-19 in terms of housing and food security, as they had less opportunity to receive support and assistance from the community and from their families. This vulnerability was exacerbated by the closure of shelters due to discontinued funding as resources were being reallocated en masse to health care.	7. Continue actively seeking out opportunities for housing that is accessible for probation clients, including the development of social hostels, potentially through public-private partnerships. While permanent housing options are expanded, short-term and emergency accommodation should also be provided, taking advantage of community partnerships.
Challenges and barriers to accessing employment and educational opportunities are heightened during times of crisis and social instability. Probation clients cannot fully access educational services due to legal obstacles. This has a twofold impact, restricting eligibility for some and reducing training opportunities for all due to reduced enrolment numbers.	8. Establish links with NGOs, the business sector, educational institutions, the Ministry of Labour and local municipalities to increase client access to varied educational and employment opportunities both as part of and beyond sentencing requirements. As part of these efforts, create a database of available opportunities that can be utilised by probation officers in working with clients.
	9. Address existing legislative / procedural barriers to free education and training for probation clients (e.g. owning land as grounds for ineligibility for free training).

<p>The role and responsibilities of the Probation Service remain unclear on some fronts, both in terms of the extent to which probation reports influence sentencing decisions and in relation to anticipated increases in the use of probation supervision after drafted changes to sentencing legislation are adopted. This poses challenges to practice and cooperation between the judiciary and probation authorities.</p>	<p>10. Clarify and solidify the role of probation in sentencing decisions. While consideration of details outlined in pre-sentence reports should be mandated, it must be made clear that judges make final sentencing decisions, with the input of the probation service forming only one part of the framework behind determining the most appropriate sanction.</p>
	<p>11. Ensure the Probation Service has sufficient capacity to support broader use of non-custodial sanctions. It is particularly important to prepare staff for supervision and support of individuals who have been sentenced for more serious offences and may have different needs when compared to current probation clients.</p>