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ПО МОНИТОРИНГУ

REPORT ON THE RESULTS OF MONITORING THE CRIMINAL JUSTICE SECTOR OF THE KYRGYZ REPUBLIC - SUMMARY

Area 1: Criminal Justice Policy

Bishkek, 2025

This analytical report is based on monitoring conducted by a member of the Akyikat Karegi Civil Society Network for Justice Sector Monitoring in Kyrgyzstan in the framework of a project implemented by International Partnership for Human Rights (IPHR) and Lawyers for Human Rights (LHR) with support from the European Union.

The report covers Area 1 (Criminal Justice Policy) of a comprehensive Methodology for Monitoring the Criminal Justice Sector developed by recognised international and national experts under the project.[1] It is part of a series of analytical reports prepared based on monitoring conducted by Akyikat Karegi members, using the new methodology with support from project experts.

This document has been prepared with financial support from the European Union. The contents are the sole responsibility of IPHR and LHR and do not necessarily reflect the views of the European Union.

[1] The methodology (in Russian and Kyrgyz) is available at: https://iphronline.org/articles/new-methodology-for-monitoring-the-criminal-justice-sector-developed/

INTRODUCTION

The focus area of this report (Criminal Justice Policy) is highly relevant for Kyrgyzstan since the legislation in this area and, accordingly, law enforcement practice has undergone significant changes in recent years. The first Criminal Code of independent Kyrgyzstan was adopted in 1997[2] on the basis of the Soviet era code (the Criminal Code of the Kyrgyz SSR of 1960). In the early 1990s, as Kyrgyzstan began establishing its independence, no systematic, large-scale studies were conducted on criminal justice policy—only isolated research within individual institutions.[3] The first in-depth analysis of the country's criminal justice policy took place in 2007[4], in connection with amendments to the 1997 Criminal Code. A major achievement of that reform was the abolition of the death penalty.

Later, it became necessary to align the norms of the Criminal Code with international standards and international treaties ratified by the Kyrgyz Republic. On 17 January 2012, the President issued Decree No. 6, ''On the Formation of a Commission for the Development of Agreed Proposals for Further Reform of the Judicial System of the Kyrgyz Republic.''[5] Accordingly, extensive public and expert discussions were held, leading to the development of a draft *Concept of Judicial Reform in the Kyrgyz Republic* (*Conceptual Issues of Reforming Criminal Procedure in the Kyrgyz Republic: Transcript of the Expert Forum of 22 April 2013*).[6] The draft Concept was submitted to the President for consideration, resulting in the issuance of Decree No. 147, *On Measures to Improve Justice in the Kyrgyz Republic,* on 8 August 2012.[7] The main provisions of the Concept later formed the basis of the 2017 Criminal Code. [8]

The new concept of criminal legislation marked a progressive shift from the previously repressive approach toward individuals who committed crimes and created opportunities to expand victims' rights. It also introduced measures for the decriminalization and depenalization of certain acts. The system of criminal penalties was reformed to be more humane, while the process of assigning penalties was adjusted to better reflect the principle of justice. Additionally, criminal offenses were separated into crimes and misdemeanours, leading to the adoption of a new Code of Misdemeanours. [9] Criminal liability for legal entities was introduced in line with international conventions, and a new probation system was established. A revised system of punishments was designed to mitigate corruption risks, and the proportionality of punishment types and severity was

[2]Criminal Code of the Kyrgyz Republic No. 68 of 1 October 1997: https://cbd.minjust.gov.kg/568/edition/920090/ru

[3] State programme to combat crime in the Kyrgyz Republic for 2006-2007, approved by Government Decision No. 132 of 28 February 2006: https://cbd.minjust.gov.kg/53-203/edition/326033/ru

[4] Supplementary Human Dimension Meeting on Protection and Promotion of Human Rights: Responsibilities and Effective Remedies Vienna, 12 – 13 July 2007 Session I: the role of national courts in promoting and protecting human rights: https://www.osce.org/files/f/documents/1/0/26064.pdf

[5] Decree of the President of the Kyrgyz Republic ''On the Establishment of the Commission for the Development of Concerted Proposals for Further Reform of the Judicial System of the Kyrgyz Republic'' of 17 January 2012, No. 6: https://cbd.minjust.gov.kg/5-5398/edition/752098/ru

[6] Conceptual Issues of Reforming Criminal Procedure in the Kyrgyz Republic: Transcript of the Expert Forum of 22 April 2013: https://studylib.ru/doc/2176801/konceptual._nye-voprosy-reformirovaniya-%3E%3E%3E

[7] Decree of the President of the Kyrgyz Republic "On measures to improve justice in the Kyrgyz Republic" dated 8 August 2012 No. 147: https://cbd.minjust.gov.kg/61388/edition/1061251/ru

[8] Criminal Code of the Kyrgyz Republic of 2 February 2017 No. 19: https://cbd.minjust.gov.kg/111527/edition/1186183/ru

[9] Code of the Kyrgyz Republic on Misdemeanors of 1 February 2017 No. 18: https://cbd.minjust.gov.kg/111529/edition/1107370/ru

clearly defined. Measures such as security provisions were incorporated as part of criminal-legal influence, while the maximum prison term was reduced to 15 years. The reform also introduced a clear distinction between administrative and criminal liability, systematized the norms of the Specific Part of the Criminal Code, and established liability for wartime crimes. Overall, the reform brought highly progressive changes.

The 2021 criminal law reform[10] introduced new changes to criminal legislation. For example, liability for legal entities and security measures were excluded from the Criminal Code. Misdemeanours were also excluded, despite their mention in the country's 2021 Constitution.

Due to the lack of a formalized criminal justice policy in Kyrgyzstan, there is an urgent need to analyse criminal legislation in terms of its compliance with international standards, the presence of progressive institutions, and adherence to basic principles of criminal law.

This analysis examines the implementation of criminal justice policy and its impact on human rights, freedoms, and access to justice for vulnerable groups. It also aims to provide policy recommendations to state authorities regarding criminal justice reform and the promotion of civil society participation in dialogue on such issues.

The purpose of our study was to assess the effectiveness of current criminal legislation, analyse the state and evolution of criminal justice policy, and evaluate its alignment with international human rights standards. It also sought to identify opportunities for improvements, with a particular focus on ensuring that legal norms and practices comply with international standards and protect vulnerable groups.

The objectives of the study were to monitor key aspects of the country's criminal justice policy based on universal international standards and the country's Constitution, as well as to conduct a comparative analysis of national legislation against international conventions on criminal policy.

Monitoring was conducted using a comprehensive approach for assessing criminal justice policy. Both quantitative and qualitative methods of data collection were used: legal analysis, semi-structured interviews, focus group discussions, questionnaires and inquiries to government agencies. To ensure the representativeness and adequacy of the sample, the process of its formation was designed to cover various aspects of the criminal justice system and its participants. An important aspect of the sample formation was maintaining a balance between quantitative and qualitative data to obtain a comprehensive analysis of the current state of criminal justice policy. For a comprehensive understanding of the data, mixed methods of analysis were used, which helped to answer the research questions from different angles: statistical analysis, qualitative analysis and content analysis of documents.

The report is structured into four main sections:

- Section 1: "Criminal Justice Policy and the Criminal Code" – This section outlines the country's existing criminal justice policy and the legal principles underlying the Criminal Code.
- Section 2: "Principles of the Criminal Code and Their Application" – This section describes the principles of criminal law enshrined in the Criminal Code and clarifies their application.
- Section 3: "Application of the Criminal Code in Matters of Territorial and Personal Jurisdiction" – This section examines the application of the principle of territoriality, the principle of citizenship concerning crimes committed outside the country, and the principle

[10]Criminal Code of the Kyrgyz Republic of 28 October 2021 No. 127: https://cbd.minjust.gov.kg/3-38/edition/2087/ru

of universal jurisdiction regarding international crimes and crimes of an international nature. It also reviews the extradition procedure and its compliance with international standards.

- Section 4: "International Obligations in Criminal Justice Policy" – This section explores the state's fulfilment of its international obligations in criminal justice policy. It examines how the Criminal Code addresses statutes of limitations, the criminal liability of legal entities, special confiscation measures, and mechanisms for protecting victims' rights. Additionally, it highlights the specific features of criminal liability and sentencing for children and young people, ensuring humane treatment and safeguarding their rights.

The findings of this monitoring can serve as a basis for further improvements to criminal legislation and law enforcement practices. They can also support government agencies in making informed decisions when shaping criminal policy.

The study faced several limitations. During the data collection process, some government agencies failed to respond to official requests or provide the necessary state and legal statistics. Overall, government institutions showed limited interest in cooperating with the monitoring process, possibly due to concerns about security.

The research team extends its gratitude to the Office of the Ombudsperson of the Kyrgyz Republic, as well as to individual human rights defenders and lawyers who contributed as informants. The study was also supported by international experts T. Zinovich and M. Khavronyuk.

KEY FINDINGS AND RECOMMENDATIONS

KEY FINDINGS

Area 1: Criminal Justice Policy of the comprehensive Methodology for Monitoring the Criminal Justice Sector covers 13 benchmarks and 23 indicators, which were assessed for compliance with international standards. Based on the study, the expert group reached the following key conclusions:

- Kyrgyzstan lacks a comprehensive, formalized doctrine of criminal justice policy, which should serve as the foundation for state crime prevention strategies and legislative amendments.
- While the principles of criminal law are enshrined in the country's Criminal Code, legislators do not always fully consider them when adopting new laws. Future legislative reforms should focus on aligning the norms of the Specific Part of the Criminal Code with fundamental criminal law principles.
- The statute of limitations for criminal prosecution and the enforcement of guilty verdicts in corruption cases does not meet international standards.
- The current Criminal Code lacks provisions for holding legal entities accountable for committing crimes, which is inconsistent with the country's international obligations.
- The legal framework for special confiscation of property requires revision, and its enforcement remains inconsistent.

The overall assessment of **Area 1: Criminal Policy** of the Methodology is **12.5 out of 23 possible points**.

Criminal Justice Policy and the Criminal Code

Status and Challenges	Recommendations
Indicator 1.1. In Kyrgyzstan, there is no comprehensive, formalized doctrine of criminal justice policy that serves as the basis for developing state concepts, crime prevention programmes, or making changes and amendments to criminal legislation. Current state programmes and concepts adopted by the Cabinet of Ministers are reactive, addressing challenges and threats identified at specific times, such as countering extremism and terrorism. Frequent changes in criminal legislation—such as the 1997, 2017, and 2021 versions of the Criminal Code—along with regular amendments, risk creating a fragmented and ineffective legal framework. Moreover, the development of criminal justice policy should	Indicator 1.1. The Cabinet of Ministers is recommended to develop and adopt a Concept of Criminal Justice Policy, ideally as part of the broader legal policy framework, and to ensure adherence to it. This policy should be well-structured, with clear goals and objectives focused on crime prevention. The primary goal should be to prevent crime while safeguarding human rights and freedoms. The document should outline a scientifically grounded strategy and effective tactics for combating criminal offenses, as well as for developing the criminal justice policy of the Kyrgyz Republic over the next five years. It should also address gaps in legislative regulation and propose adjustments to the Criminal Code to enhance clarity and precision.

consider legal statistics and criminological research. Criminal justice policy is also influenced during parliamentary elections, yet only a few political parties focus on fulfilling their election promises related to criminal justice policy. An analysis of the legislation reveals that the Kyrgyz Republic's Criminal Code is the sole source of criminal law and criminal-legal relations. The Criminal Code is adopted as law by the highest legislative body, the Zhogorku Kenesh (Parliament) of the Kyrgyz Republic. Indicator 1.2. The Criminal Code is based on the country's Constitution, which upholds the rule of law, and on universally recognized principles and norms of international law. It regulates criminal offenses, unlawful acts committed by individuals who cannot be held criminally responsible or have not reached the age of criminal responsibility, as well as provisions for compensation for harm and damage, and the criminal and legal consequences of offenses. Institutions such as repetition and recidivism were removed from the Criminal Code during the 2017 and 2021 reforms. Currently, the criminal legislation does not define the concept of a misdemeanour, while the Constitution provides for the introduction of misdemeanours alongside crimes. This constitutional provision is particularly important in cases involving misdemeanours, as it ensures that the same procedural guarantees are applied to all individuals irrespective of the severity of the crimes.	Political parties are advised to incorporate specific proposals for changes to criminal legislation in their election programmes, especially regarding the criminalization or decriminalization of certain acts, and the penalization or depenalization of specific offenses. The ideas and reforms related to criminal policy presented by political parties must be systematic and based on a formalized, unified state concept of criminal policy, considering both the criminal law doctrine and societal interests. The effectiveness of pre-election promises should align with their actual implementation, as fulfilling these promises will help strengthen the electorate's trust in the party in future elections. Indicator 2.1. The Kyrgyz Parliament should consider reintroducing the institution of misdemeanour in alignment with the Constitution, drawing on positive international practices. This should include exploring the possibility of simplifying the procedures for pre-trial investigations and judicial proceedings in cases of misdemeanours. Such reforms could have a significant positive impact on the efficiency and resource allocation of the criminal justice system.
Criminal Code Principles and Their Implementation	
Status and Challenges	**Recommendations**
Indicator 3.1. The criminal legislation of the Kyrgyz Republic stipulates that the criminality of an act, its punishability, and other criminal-legal consequences are determined solely by the country's Criminal Code. Changes that worsen the situation of citizens do not have retroactive effect, while provisions that improve the situation of citizens are mandatory	Indicator 3.1. Parliament must adopt laws within the criminal-legal block in accordance with the principle of legality enshrined in the Criminal Code. This includes ensuring that the criminality of an act, its punishability, and other criminal-legal consequences are determined solely by the Criminal Code. Additionally, it is advisable for Parliament to ratify the Rome

and must be applied. Indicator 3.2. The principle of legal certainty is enshrined in the Criminal Code. However, several provisions of the Code are formulated unclearly or are difficult for law enforcement agencies to interpret, which contradicts this principle. Additionally, there is a discrepancy between the formulations (features) of certain crime elements in the Criminal Code and the offense elements in the Code of Offenses (e.g., domestic violence, distribution of pornographic materials, etc.). Some provisions of the Criminal Code need to be revised to prevent misinterpretation of evaluative concepts by law enforcement. The evaluative criteria used to define crime elements must have clear boundaries and should not be subject to broad interpretation, as the content of criminal law should be understood in accordance with the precise terms set forth in the Criminal Code. Indicator 3.3. The principle of equality of citizens is enshrined in Article 4 of the Criminal Code of the Kyrgyz Republic and is in accordance with international standards. Indicator 3.4. Although the principle of proportionality is enshrined in the Criminal Code of the Kyrgyz Republic, the sanctions in certain articles of the Specific Part of the Code do not align with this principle, nor does their application by the courts. Indicator 3.5. An analysis of the Criminal Code of the Kyrgyz Republic revealed that it includes provisions on the individual liability of a person found guilty of committing a crime. The liability of accomplices, where one party is the perpetrator and the other party is the organizer, instigator, or abettor, is regulated in the Criminal Code. Indicator 3.6. The principle of humanism is enshrined in the Criminal Code and aligns with international standards. Since 2007, the death penalty in the Kyrgyz Republic has been replaced by life imprisonment. Article 9 of the Criminal Code prohibits punishments and other criminal law measures that cause physical	Statute of the International Criminal Court. Indicator 3.2. Parliament must adopt laws within the criminal-legal block in accordance with the principle of legal certainty enshrined in the Criminal Code. The provisions of the Criminal Code must meet the requirements of accessibility, stability, clarity, unambiguity, and predictability, ensuring that individuals can know in advance what acts are considered offenses and what criminal law measures are prescribed for their commission. The evaluative nature of the concepts used in the Criminal Code should be improved by developing clear criteria for their key features. To achieve this, it is necessary to revise the Criminal Code and exclude articles that duplicate those in the Code of Offenses (e.g., Article 177 of the Criminal Code and Article 70 of the Code of Offenses; Article 161 of the Criminal Code and Article 109 of the Code of Offenses), as well as articles that do not comply with the principle of legal certainty (e.g., Article 336 of the Criminal Code on corruption). It is recommended that the Supreme Court of the Kyrgyz Republic systematically summarize judicial practice and provide clarifications to the courts on the application of evaluative features in the provisions of the Criminal Code. Indicator 3.3. Courts and law enforcement agencies must conduct their activities in accordance with the principle of equality before the law, as enshrined in the Criminal Code. Indicator 3.4: Parliament is recommended to: 1. Revise the sanctions and fully implement the principle of proportionality in the norms of the Specific Part of the Criminal Code of the Kyrgyz Republic; 2. Develop and legislate rules for forming sanctions based on the gravity of the offense and the corresponding punishment;

suffering or humiliate human dignity. Additionally, the Criminal Code does not include provisions for punishments involving forced or compulsory labour. Indicator 3.7: The principle of *ne bis in idem*, or "one act shall not be punished twice," is enshrined in both the Constitution and the Criminal Code. The Criminal Code excludes qualifying characteristics, such as repetition, repeatedness, and recidivism of offenses, that do not comply with this principle. Indicator 3.8: Parliament lacks an independent legal procedure (mechanism) for reviewing amendments and additions to the country's criminal legislation to ensure their compliance with the principles of criminal law. However, as noted by the respondents, it would be possible to include this procedure as part of the ongoing legal expertise.	3. Establish in the Criminal Code that a stricter criminal law measure is applied only when a less strict measure is insufficient to achieve the relevant objectives. The Supreme Court of the Kyrgyz Republic should also summarize judicial practice on sentencing by the country's courts. Indicator 3.6: It is advisable for Parliament to include in the Criminal Code of the Kyrgyz Republic a mechanism for imposing punishment in cases where a combination of mitigating circumstances is established. To fully uphold the principle of humanism, it is recommended to enshrine the provision "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment" in the Criminal Code of the Kyrgyz Republic, ensuring full compliance with international standards. It is also important for Parliament to consider the gradual exclusion of the institution of amnesty from the Criminal Code of the Kyrgyz Republic, as it is a constitutional-legal institution that does not align with the objectives of criminal punishment and contradicts other provisions in the Criminal Code regarding the procedures for releasing individuals from criminal punishment (such as parole, probation, etc.). During the transitional period, the Kyrgyz Republic's law "On the Basics of Amnesty and the Procedure for its Application" should define: 1. the list of persons and offences for which amnesty will not apply; 2. the special conditions under which amnesty may be applied. The Supreme Court of the Kyrgyz Republic should consolidate judicial practice regarding the application of mitigating circumstances in sentencing to ensure consistent and uniform application of criminal law. Indicator 3.7: Parliament should not reintroduce qualifying characteristics of

	repetition, repeatedness and recidivism to the Criminal Code of the Kyrgyz Republic as violating the principle ne bis in idem (''one act shall not be punished twice''). Indicator 3.8: To improve the quality of laws adopted in the criminal legal sphere, it is recommended that Parliament establish a procedure to review amendments and additions for their compliance with the principles outlined in the Criminal Code.
Application of the Criminal Code in Matters of Territorial and Personal Jurisdiction	
Status and Challenges	**Recommendations**
Indicator 4.1. The Criminal Code of the Kyrgyz Republic applies throughout the entire territory of the country, as defined by the Law of the Kyrgyz Republic No. 98, "On the State Border of the Kyrgyz Republic" dated 16 May 2015. Article 13 of the Criminal Code outlines the procedure for the application of criminal law to offenses committed within the Kyrgyz Republic's territory. Indicator 5.1. The Criminal Code of the Kyrgyz Republic stipulates that citizens of the country and stateless persons permanently residing in it, if they commit an offense outside its borders, are subject to liability under the Criminal Code, unless otherwise specified by an international treaty. The law does not address the issue of dual citizenship when a person commits an offense in a third state. Indicator 6.1. The principle of universal jurisdiction is not enshrined in the Criminal Code of the Kyrgyz Republic. Indicator 7.1. The Criminal Code and the Criminal Procedure Code of the Kyrgyz Republic establish the procedure for the extradition of criminals, in line with international standards. However, despite the principle of reciprocity being enshrined in the extradition process, the criminal legislation lacks a mechanism to effectively implement this principle.	Indicator 5.1. It is essential for Parliament to develop and adopt laws regulating the procedure for holding individuals with dual citizenship criminally responsible for offences committed outside the country. These laws should align with international standards and norms and include a mechanism for cooperation with other states. Additionally, Parliament is encouraged to consider introducing the concept of ''effective citizenship'', where the Criminal Code of the state in which an individual permanently resides, owns property, works, and exercises their rights would apply. Indicator 6.1: It is recommended that Parliament enshrine the principle of universal jurisdiction in the Criminal Code. Without this provision, effective international cooperation between the Kyrgyz Republic and other states in combating international crimes and offences of international character would not be possible. Indicator 7.1: It is recommended that Parliament ensure the Criminal Procedure Code of the Kyrgyz Republic includes mechanisms for implementing the principle of reciprocity, enshrined in the Criminal Code, in extradition cases.
International Obligations in the Field of Criminal Policy	
Status and Challenges	**Recommendations**

Indicator 8.1: Most international treaties in the area of criminal justice policy have been adopted and ratified by the Kyrgyz Republic, with ratification occurring independently. However, the process of introducing amendments and additions to criminal legislation is not integrated with the treaty ratification procedure. As a result, implementing amendments in fulfilment of an international treaty can be delayed and subjected to a lengthy process. For example, there are international treaties ratified by the Kyrgyz Republic that have not yet been incorporated into its criminal legislation. Indicator 9.1. The Criminal Code of the Kyrgyz Republic does not impose a statute of limitations on criminal prosecution or the execution of punishment for offenses against peace and humanity, in accordance with international standards. Indicator 9.2. Statutes of limitation for corruption and terrorism offenses partially align with international standards. However, the statute of limitations for criminal prosecution and the execution of sentences is excluded only for two specific offenses (Article 252 ''Act of Terrorism'' and Article 336 ''Corruption''). For other corruption offenses, the general rules for calculating the statute of limitations for criminal prosecution and conviction execution apply. Indicator 9.3. In Kyrgyzstan, the application of statutes of limitations for sexual offences against minors generally aligns with international standards, including the option to start the limitation period from the moment the victim reaches adulthood. This approach helps protect the rights of victims who may only be ready to report the crime later in life. However, gaps remain that could prevent criminal prosecution in certain cases under Article 157 of the Criminal Code. Additionally, the way statutes of limitations are applied to Article 157 may restrict victims' access to justice. Addressing these inconsistencies requires standardizing legal wording and	Indicator 8.1. It is recommended that the Ministry of Justice of the Kyrgyz Republic conduct a detailed analysis of the current criminal legislation to ensure its compliance with the international obligations of the Kyrgyz Republic. The Ministry of Foreign Affairs should review the unfulfilled obligations under international criminal law treaties that have been ratified (or acceded to) by the Kyrgyz Republic. Parliament should audit the international treaties ratified by the Kyrgyz Republic and align the criminal legislation with these treaties. Indicator 9.2. Parliament should consider adjusting the statute of limitations for criminal prosecution and the execution of convictions for corruption offences to align with international treaties adopted and ratified by the Kyrgyz Republic. Indicator 9.3. Article 157 of the Criminal Code (Acts of a Sexual Nature with a Child Under 16) sets the minimum age of sexual consent at 16. A positive aspect of this provision is that it establishes a higher minimum age of criminal liability (18), exempting adolescents engaged in voluntary sexual relations from prosecution—provided no other offenses, such as rape, apply. This aligns with Article 18(3) of the Lanzarote Convention, an important reference in combating sexual violence and exploitation, even though Kyrgyzstan has not yet acceded to it. However, Article 157 does not specify a maximum age difference in cases where one participant is 16–17 and the other is under 16. This legal gap allows older teenagers to avoid consequences even when engaging in sexual acts with significantly younger children. It is recommended to introduce a maximum age difference (typically 2–3 years in international practice) and ensure that both adolescents are at a similar level of development—especially relevant when one has an intellectual disability. Further recommendations include:

revising the statute of limitations for all sexual offences against minors. Indicator 10.1. The Kyrgyz Republic has ratified several international agreements that hold legal entities liable for offenses such as corruption, terrorism, and drug-related crimes. However, the current version of the Criminal Code does not include provisions for holding legal entities accountable for committing such offenses. Indicator 11.1. Confiscation of property is stipulated as an additional punishment in the criminal legislation of the Kyrgyz Republic, partially aligning with international standards. However, this provision requires further improvement. Currently, confiscation is included in the sanctions of 57 out of 284 articles of the Criminal Code. During pre-trial proceedings, it is necessary to prove the criminal origin of the seized property in court. Without this, the principle of guilt could be violated, leading to objective imputation. Indicator 12.1. The Criminal Code of the Kyrgyz Republic includes a provision that regulates the procedure for compensating material damage and moral harm. In 2017, the Criminal Procedure Code of the Kyrgyz Republic outlined the creation of a specialized fund for compensating material damage and/or moral harm. However, the relevant legal act has yet to be adopted Indicator 13.1. Kyrgyzstan has largely incorporated international standards on the treatment of children in conflict with the law. This is reflected in legislation that provides alternative measures to detention, such as probation supervision and compulsory educational programmes, aimed at supporting reintegration and minimizing contact with the criminal justice system. However, coercive educational measures—such as supervised release and behavioural restrictions—lack a strong educational component. Their implementation is further hindered by the absence of responsible adult	• Amending Articles 154, 155, and 157 of the Criminal Code to introduce additional penalties, such as bans on certain professional activities, to strengthen child protection. • Revising Article 58(6) of the Criminal Code to include reference to Article 157 (Acts of a Sexual Nature with a Child Under 16), ensuring this offense among those not subject to statutes of limitations. • Deleting 'between the ages of 14 and 18' in Article 154(3.2) and Article 155(3.2) and removing Article 154(4) and Article 155(4), as these provisions provide for identical sanctions. • Amending Article 156 by deleting paragraph 1, part 2, and removing 'under the age of fourteen' from part 3 to maintain stricter sanctions for coercing a child of any age into sexual acts. Indicator 10.1. It is important for Parliament to consider introducing liability for legal entities committing offences, in accordance with the international treaties to which the Kyrgyz Republic is a party Indicator 11.1. It is necessary for Parliament to revise the Criminal Code of the Kyrgyz Republic and include in the General Part an article specifying the categories (types) of offences for which confiscation may be applied. It should consider the possibility of shifting confiscation from a punishment to a security measure, allowing its application not only to the convicted person but also to others (such as individuals declared mentally incompetent, those below the age of criminal responsibility, third parties who knowingly acquired criminal property etc.) The Supreme Court of the Kyrgyz Republic is recommended to compile and generalize judicial practice regarding the imposition of confiscation as a form of punishment. Indicator 12.1: To ensure the reform is effectively completed, it is recommended to

family members for many children in conflict with the law, underscoring the need for more effective social support mechanisms. Additionally, the juvenile probation sector faces a severe shortage of staff, limiting its ability to achieve meaningful rehabilitation and reintegration. To ensure effective social support and introduce innovative approaches, significant investment in both human resources and methodological capacity is required. Indicator 13.2. Kyrgyz legislation includes provisions to ensure that juvenile punishment is applied in line with international standards, emphasizing that deprivation of liberty should be a last resort and applied for a limited period. Criminal law offers various sentencing measures for juveniles that consider their age, living conditions, upbringing, and individual characteristics. However, these measures often remain declarative due to a lack of reliable information about a minor's living environment. Most children involved in offenses come from disadvantaged or difficult social backgrounds. Yet, in many cases, information on their living conditions is incomplete, highlighting the need to improve data collection and management. Lawyers involved in the study noted that child protection agency staff often lack the necessary professionalism and competence, as evidenced by superficial assessments of children's living situations. Strengthening the capacity of these professionals is essential to ensure a more accurate and comprehensive evaluation process.	establish a specialized Victim's Fund for compensating material and/or moral damage, as provided for in the Criminal Procedure Code of the Kyrgyz Republic. Additionally, the Supreme Court of the Kyrgyz Republic should review and standardize judicial practices related to compensation for material and moral damage in criminal cases and develop guidelines for courts on handling such matters. Indicator 13.1. Article 480 of the CPC of Kyrgyzstan should specify concrete programmes for implementing coercive educational measures or include a provision referring to a by-law that regulates their content and application procedures. To strengthen juvenile probation, it is essential to enhance methodological support for probation officers and ensure their specialization in working with children in conflict with the law. All probation service specialists handling juvenile cases should receive advanced training in child-specific probation work. Additionally, efforts should be made to gradually expand staff at the district level to enable the future appointment of specialized juvenile probation officers. A key aspect of juvenile probation development should be the widespread adoption of restorative justice practices, including mediation and family-group conferences. These approaches help foster accountability and genuine remorse among children in conflict with the law. To ensure effective reintegration, the establishment of juvenile probation centres across the country is recommended. These centres would provide structured rehabilitation, education, and resocialization programmes tailored to the individual risks and needs of each child under probation supervision. Indicator 13.2. As the Prosecutor's Office of the Kyrgyz Republic is responsible for protecting and enforcing children's rights under the law, including overseeing the implementation of

	legislation aimed at safeguarding children's interests, it is essential that the Prosecutor General's Office ensures a full and comprehensive assessment of each child's life circumstances. To achieve this, individual assessments should be conducted jointly by a pre-trial probation officer and an officer from the authorized state agency for child protection. This collaborative approach would provide a thorough evaluation of the child's personality and circumstances, addressing both risks and needs while upholding the best interests of the child. This recommendation aligns with the earlier proposal to provide specialized training on working with children in conflict with the law for all probation service professionals. Additionally, efforts should be made to gradually establish specialized juvenile probation officers at the district level.

CONCLUSIONS

This study of Criminal Justice Policy in the Kyrgyz Republic highlights key trends in the development of the country's criminal legislation, challenges arising from judicial and legal reforms, gaps in the legislative regulation of certain criminal law institutions, and inconsistencies between some legal norms and international standards. It also identifies human rights concerns that require attention from both state authorities and society. The value of this research lies in its comprehensive examination of the regulatory framework and law enforcement practices, enabling the achievement of reliable findings.

The research methodology applied has proven to be both universal and practical, making it a useful tool for future monitoring. The study's results will serve as a baseline for comparative analyses in subsequent research. The assessment scores for Area 1 provide insight into the country's progress in implementing international conventions and fulfilling its international commitments.

An analysis of legislative processes has shown that lawmakers do not always fully consider the principles of criminal law when drafting and adopting new legislation. As a result, law enforcement officials often face challenges when applying articles of the Criminal Code that do not align with fundamental legal principles. In cases of legal conflicts, decisions should be based on established legislative principles. However, an examination of the Criminal Code and feedback from legal practitioners indicate that inconsistencies within the Code create difficulties in qualifying offences. Defence lawyers reported that in some cases, they referred to criminal law principles during court proceedings but were not given due consideration.

A lack of alignment between the principles of criminal law and the provisions of the Criminal Code risks undermining the consistency of legal regulation and leading to arbitrary application of the law. In practice, legal principles are crucial in interpreting ambiguous legal concepts, qualifying offences, and guiding sentencing decisions.

Principles of Criminal Law:

- Serve as fundamental concepts that shape the entire Criminal Code, ensuring its coherence and substantive integrity.
- Connect criminal law norms with the moral foundations of society and the constitutional order.
- Emphasize the human-centred nature of the law.
- Act as safeguards against distorted interpretations of legal provisions, forming the basis for legal reasoning and judicial decision-making.
- Strengthen the stability of the Criminal Code by being formally enshrined within it.

Key Findings of the Monitoring:

1. Kyrgyzstan lacks a formalized and comprehensive doctrine of criminal policy, which should guide state crime prevention strategies and legislative amendments.
2. While the principles of criminal law are embedded in the Criminal Code, lawmakers do not always consider them when adopting new laws. Future legislative reforms should focus on aligning the norms of the Specific Part of the Criminal Code with these principles.
3. The statute of limitations for prosecuting and executing sentences for corruption offences does not fully comply with international standards.

4. The current Criminal Code does not establish liability measures for legal entities involved in criminal offences, creating gaps in compliance with international obligations.
5. The provisions on special confiscation of property require legislative revision, as their enforcement remains inconsistent.

For each of these key issues, the study provides recommendations to state authorities aimed at aligning criminal legislation with international standards and ensuring uniform enforcement practices in the field of criminal justice.

Finally, effective collaboration between state institutions and civil society is essential. Such a partnership would provide deeper insights into legislative and enforcement challenges and help address shortcomings in the legal framework.