

# What are determinants of the level of juvenile recidivism in the Azerbaijan Republic?



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**Nargiz Guliyeva**  
**Instructors : Gavin Slade**  
**Sabina Rustamova**  
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## Summary

Eventually, all former prisoners return to society. The most sensitive question is: “Will they be able to successfully integrate into it or not?” Unfortunately, in most cases the answer is negative; sooner or later they end up back in jail. The issue becomes more dramatic when it concerns juvenile offenders who were sentenced between the ages of 13-17. Most adult criminals begin their criminal careers as juveniles, and although the amount of juvenile crimes has annually decreased in Azerbaijan, half of those who are already in prison have committed multiple crimes.

There are many reasons for juvenile recidivism. The most common set of problems which constricts the ability of released juveniles to start a new and successful life includes: uselessness in the society, limited job perspectives, homelessness, deteriorating health, and psychological problems.

This paper is based upon several primary assumptions that reflect current research in the field of juvenile recidivism. The main purposes are to investigate the reasons behind and suggest possible solutions for juvenile recidivism in Azerbaijan. Data was collected from:

- A founding text on criminology which gives a general picture of juvenile psychology and actions;
- various researches which reflect foreign experience on this issue;
- reports from local NGOs and the office of UNICEF in Azerbaijan which provide precise descriptive and statistical information on the juvenile justice system;
- data from the State Statistical Committee of the Azerbaijan Republic;
- interviews with the people who work on the issue of children’s rights in Azerbaijan.

The results of this research propose recommendations to reduce the rate of juvenile recidivism in Azerbaijan.

Once children are dragged into the juvenile justice system, there are very few services which can reintegrate them into society in the post-release period. Once they realize this, these children are more likely to repeatedly commit new crimes, often of increasing severity. According to a 2009 UNICEF report, about half of the offenders in the juvenile correctional institution are repeat offenders, while around 20 per cent of them are violent offenders. Thus, a child who committed a crime during his youth will find it difficult to avoid a cycle of criminal activity in adulthood. Although some attempts to tackle the issue of juvenile recidivism, such as the Azerbaijani state law, “On Social Adaptation of Persons Released from Confinement” and money allocations for released juveniles, have been made, on the whole, the current efforts to create aftercare programs are characterized by a lack of systematic actions and the absence of task-oriented and effective social work in this field.

## Who are juvenile offenders?

Every country has its own definition of the term juvenile: most states put the age for criminal liability at seventeen years old, although some states set it as low as fourteen (see Table 1 below).<sup>1</sup> The age of full criminal responsibility in Azerbaijan is 16. However, children who are 14 years old at the time of their offence can also be held criminally responsible for a range of crimes defined in Article 20(2) of the Criminal Code. These include deliberate murder<sup>2</sup>, deliberate commission of serious harm<sup>3</sup>, kidnapping<sup>4</sup>, rape<sup>5</sup>, violent actions of a sexual nature<sup>6</sup>, theft<sup>7</sup>, robbery<sup>8</sup>, deliberate destruction or damage of property under aggravated circumstances<sup>9</sup>, plunder or extortion of fire-arms, offenses with ammunition or explosives, plunder,<sup>10</sup> and exportation of narcotics or psychotropic substances<sup>11</sup>. In Azerbaijan a child under the age of 14, or one aged 14-16 whose offence does not fall under Article 22 of the CC (see Table 2), is not criminally liable. However, their cases may be referred to the Commission of Minors and the child may be subject to administrative penalties and sanctions, or can be placed in a special school located in Guba and Mardacan (see Table 3).

According to the Oxford Advanced Dictionary, a recidivist is a person who continues to commit crimes, and seems unable to stop, even after being punished. This paper will focus on this type of juvenile offender; those who have committed multiple crimes.

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<sup>1</sup> UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (1985): “In those legal systems recognising the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the fact of emotional, mental and intellectual maturity.” (4.1)

<sup>2</sup> For the crime of deliberate murder see Articles 120, 122 and 123 Criminal Code

<sup>3</sup> Articles 126-128 and 130 Criminal Code

<sup>4</sup> Articles 110 and 144 CC

<sup>5</sup> Articles 108 and 149 CC

<sup>6</sup> Articles 108 and 150 CC

<sup>7</sup> Article 177 CC

<sup>8</sup> Article 180 CC

<sup>9</sup> Article 186 CC

<sup>10</sup> Article 230 CC

<sup>11</sup> Article 235 CC

## Reasons for juvenile recidivism

According to UNICEF, 89 juvenile prisoners in 2001, 94 in 2002, 70 in 2004, 60 in 2005 and 47 in 2009 were released from the children's colony in Azerbaijan.<sup>12</sup> The key question is what happens once they are released back into the community? According to the 2009 UNICEF report, around half of the juvenile prisoners are repeat offenders. This suggests that there is a high probability that released juveniles will commit further crimes, and that incarceration is insufficient to deter offenders from committing further crimes. This high recidivism rate raises the question of what is being done to ensure that released juvenile offenders will not continue to offend?

Juvenile offenders face many problems after being discharged from the children's detention center. Imprisonment changes personal status, limiting movement and civil rights, while release from prison abruptly returns the freedom they enjoyed before imprisonment. Juveniles who are released require special preparation, shelter, and legal documents in order to fully integrate back into society. Without these things juveniles lack access to promised government services and become much more vulnerable to committing crimes for a second time.

Juvenile recidivism is caused by the same factors that drive crime in general, but has its own, specific characteristics. Prison life creates a negative social environment where juveniles lose their fear of prison, thus creating a commission for further crimes.

Causes of and conditions for juvenile recidivism can be divided into several groups.

- 1) *Initial conditions.* Initial conditions can be characterized as the circumstances that are in place before the first crime, but which continue to exist and may be reproduced after the completion of the sentence. Returning to the difficult social conditions which made the juvenile more likely to commit a crime in the first place, such as a broken family, an antisocial lifestyle, and the resumption of old ties with the criminal world, can bring about a relapse into criminal behavior. In addition, many studies have found a strong correlation between a lack of supervision and offending, and it appears to be the most important family influence on offending<sup>13</sup>. When parents commonly do not know where their children are, what their activities are, or who their friends are, children are more likely to truant from school and have delinquent friends, each of which are linked to offending<sup>14</sup>. Children with a weak attachment to their parents are more likely to offend<sup>15</sup>. According to the Kamal Imamverdiyev<sup>16</sup>, who is the Head of Department on Preventive Work with Juveniles of the Ministry of Interior Affairs of Azerbaijan, the lack of parental supervision is the main cause of juvenile recidivism in Azerbaijan.

The rate of juvenile offenders coming from disadvantaged families is particularly high. In most cases, at least one parent in such families is an alcoholic, drug addict, prostitute, or is battling other mental, social, or economic problems. Mental disorders of children are largely the result and the legacy of the behavior and lives of their parents as alcoholics or drug addicts. It is very important to note, however, that a single parent household is not a criminogenic factor and cause crime only in combination with other negative factors such as a lack of love or immoral behavior by parents and others. According to the State Statistical Committee of the Azerbaijan Republic, 82% of children aged 14-17 come from two parent households, while only 16.5% come from single parent households (see Table 4)

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<sup>12</sup> Hamilton, C., Azerbaijan: the position of children in conflict with the law, UNICEF, pp. 10-11 Baku, 2006.

<sup>13</sup> Farrington, D.P. et. Al (2002) 'Developmental criminology and risk-focused prevention' p.610 The Oxford Handbook of Criminology (3rd edn.). Oxford: Oxford University Press.

<sup>14</sup> Graham, J. & Bowling, B. Young People and Crime, Home Office Research Study No. 145, p.45-46 London: Home Office, 1995.

<sup>15</sup> Ibid, p.37

<sup>16</sup> МВД назвало причины детской преступности в Азербайджане: Общество, 20 июля 2011." Thesis. Новости, последние новости Азербайджана, Армении и Грузии, главные новости дня на Day.Az. <http://news.day.az/society/279561.html>

2) *Mental problems.* Aggressive behavior or mental disorder can be heredity or acquired after prison; however, there is no psychological service in the juvenile detention center in Azerbaijan<sup>17</sup>.

3) *No fear of prison.* Many juvenile recidivists show absolutely no fear of prison. In most cases, upon returning to the correctional facility, juvenile recidivists instantly adapt, finding friends, happily meeting with former inmates, and generally treating the correctional colony as an old home. For most people, jail is something terrible and imprisonment is the most shameful thing in the world. Nevertheless, according a survey provided by the “El” development center, minors aren’t afraid to return to the prison again.<sup>18</sup> In jail, they are provided with shelter, food, and social interaction, and, if an offender has none of these on the outside, he is likely to prefer to return to the colony.

According to El’s survey, more than half of offenders want to find a job after release, but only very few have the skills or education to find one. If a former delinquent is unable to find work, he will often seek “the easiest way” to earn money. As a result of recidivism, filching, drug and human trafficking (which can also lead to the expansion of AIDS) has begun to increase in Azerbaijan. Almost all offenders answered positively to the question: “Will you commit crime again if someone offers you money?”<sup>19</sup>

4) *Isolation from society.* Generally, former juvenile offenders feel that they are useless parts of the community. Society’s hesitation to accept juvenile offenders creates not only psychological challenges, but also practical ones. Jail time acts as a double edged sword, making it harder for offenders to find a job due to societies’ aversion to them, and making it more likely that the juveniles are less qualified for the job because of the increased rate of psychological problems.

5) *Negative labeling.* Related to the problem of isolation from wider society, once an offender thinks of themselves as an 'offender' and takes on that label, they take on criminal life as a 'role'. This approach is known as labeling or social reaction theory. People often look at themselves as others look at them which can strongly influence on their self-identity and behavior. If a person is branded an offender, he begins behaving according to this label. Applying a long-term label may cause prejudice against the offender, resulting in the inability to maintain employment and social relationships.<sup>20</sup>

6) *Role model behavior or social modeling theory.* Social learning theory focuses on the learning that occurs within a social context. It considers that people learn from one another, including such concepts as observational learning, imitation, and modeling<sup>21</sup>. On this theory, juvenile offenders engage in crime by modeling the behavior of other offenders: “They are reinforced for crime, they learn beliefs that are favorable to crime, and they are exposed to criminal models. As a consequence, they come to view crime as something that is desirable or at least justifiable in certain situations. In fact, association with delinquent friends is the best predictor of delinquency other than prior delinquency. However, one does not have to be in direct contact with others to learn from them; for example, one may learn to engage in violence from observation of others in the media<sup>22</sup>.” Naturally, greater exposure to favorable attitudes to offending whether among fellow inmates, youth gangs, or in films and media can enable social learning that increases the probability of re-offending.

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<sup>17</sup> UNICEF report. Assessment of juvenile justice achievements in Azerbaijan. p.26 Geneva, 2009.PDF file.

<sup>18</sup> According to both the CC and the CPC, all children aged 14-18 are to be treated as minors

<sup>19</sup> According to the survey, which was provided by “EL” development center.

<sup>20</sup> "Labeling Theory." *Wikipedia, the Free Encyclopedia*. Web. 25 July 2011  
<[http://en.wikipedia.org/wiki/Labeling\\_theory#The\\_.22criminal.22](http://en.wikipedia.org/wiki/Labeling_theory#The_.22criminal.22)>

<sup>21</sup> Ormrod, J.E.. *Human learning* (3rd ed.). Upper Saddle River, NJ: Prentice-Hall. 1999

<sup>22</sup> *Crime Causation: Sociological Theories - Social Learning Theory - Individuals, People, Beliefs, Engage, Reinforcement, and Reinforced*. Law Library American Law and Legal information<<http://url.az/6pp>>

7) *Lack of post-release programs in Azerbaijan.* There are no rehabilitation programs designed to reintegrate juvenile offenders into society after release from custody. In fact, there isn't any state committee or other part of the executive branch which directly regulates juvenile offenders after release. This lack of oversight, combined with other reasons, is the main cause of juvenile recidivism.

Initial conditions, mental problems, lack of fear of prison, isolation from society, affix a negative labeling, role model behavior or social modeling theory and the lack of post release programs severely hamper the social integration of the youth offenders after release from detention . The chances are high that these young offenders will become chronic delinquents and eventually hardened criminals.

## Stakeholders

In order to analyze juvenile recidivism it is necessary to identify the stakeholders who are directly and indirectly involved with the issue. The main pressure groups are juvenile offenders, their families, society in general and government agencies.

The ages 13-17 are important as, they are the formative years for teenagers. It's very important to provide necessary attention and care during this period, and the environment of the prison community can have irreparable consequences on a teenager's psychology. According to the director of the El Center, jail doesn't correct anyone, it makes a person worse than he was before. Prison alters the beliefs and ideas of juvenile offenders, creates a lack of interest towards education and productive labor, and develops an emotional indifference and aggression towards society. According to recent research, many psychopathic traits among juvenile offenders have been linked to adverse conditions within the jail, not to hereditary causes. According to the 2009 UNICEF report, "While present conditions may not pose a risk to health, they do not convey the feeling that society cares for these children and values their potential contribution to Azerbaijani society."<sup>23</sup> In addition, the monitoring group of the children's colony emphasized the lack of a psychological service. All these factors increase the likelihood that crimes committed by juvenile will become more serious. Examples include violent actions of a sexual nature such as rape or violent assault.<sup>24</sup>

A key stakeholder group is the immediate family of the juvenile offender. Family issues such as the level of parental supervision, the way parents discipline a child, the presence of parental conflict or separation, criminal parents or siblings, parental abuse or neglect, and the quality of the parent-child relationship are a component of criminogenic behavior which may have an influence on whether or not the juvenile commits a crime.<sup>25</sup> A child with low parental supervision is much more likely to offend<sup>26</sup>. On the other hand, the family can also be pressure and disadvantage group. In most cases, juvenile offenders come from broken families who may refuse or be unable to accept them. Because of societal pressure or low social conditions a family may not want to accept an ex-offender. Even if the crime is not serious, people negatively approach not only to the offender himself, but to the whole family. Society usually holds the family attitude to the juvenile. On the other hand, the acceptance to the family not as former offender but as a family member can totally change the situation. If a person feel that his family needs and waits for him, he will be more likely to change. Except that cases in which an offender has mentally problems or extreme aggressiveness, a family can have positive effect on the juvenile.

Society also has a vested interest in engaging with recidivist juveniles and almost 60 civil society groups like youth NGOs and human rights organizations work on the issue of children's and women rights. However, only few of them are engaged in addressing the problems of the

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<sup>23</sup> UNICEF report. Assessment of juvenile justice achievements in Azerbaijan. p. 26 Geneva, 2009.PDF file

<sup>24</sup> On the words of Elmira khanum who is a head of "EL" development center, in Azerbaijan the rate of sexual perversions between boys have increased.

<sup>25</sup> Graham, J. & Bowling, B. Young People and Crime, Home Office Research Study No. 145,p.33 London: Home Office, 1995.

<sup>26</sup> Ibid

children in conflict with the law. The most active local NGOs working on this issue are Azerbaijan NGO Alliance for Children's Rights, Reliable Future, Children's Rights Legal Clinic, Prison Watch Public Association, Azerbaijan Parent-Teacher Association, Azerbaijan Young Lawyers Union, and "EL" Development Programmes Center. In addition, several international organizations such as UNICEF, Save the Children, World Vision and organizations like British Council, OSCE, SOROS fund monitoring, reforming, and other processes related with the children in conflict with the law.

The notion "society" also means a community in which the juvenile lives. Recidivist can involve others in committing a crime. In fact, there is a high rate of group crimes involving novices as part of general criminal activity. When a juvenile is released without monetary support or regulation, he or she often prefers to return to criminality as part of a group. According to the State Statistical Committee of Azerbaijan Republic, the rate of group crimes increased 13% from 42% of all crimes in 1995 to 55% in 2009.

The Ministry of Education, the Ministry of Justice, the Ministry of Labour and Social Protection of the Population, and the Ministry of Internal Affairs have a large part to play in addressing juvenile recidivism. There are two special educational correctional institutions in Azerbaijan –in Guba and Mardakan. Both of them are under the patronage of the Ministry of Education (see Table 3). Children who commit less serious crime while 14-16, are placed in on a risk list and are mainly placed in Guba or Mardakan educational institutions. In addition, there is a juvenile correctional institution under the Ministry of Justice which acts as a institution for the imprisonment of boys with no separate regimes based on the gravity or rate of recurrence of a crime<sup>27</sup>. By law, the correctional institution is entitled to detain only juveniles between the ages of 14 and 18 who have been sentenced to imprisonment<sup>28</sup>. The Ministry of Internal Affairs is responsible for public security, prevention and exposure of criminal offences<sup>29</sup> including juvenile crime and recidivism. Generally, The Ministry of Internal Affairs deals with all programs involving juvenile offenders. The Ministries should be considered executive and decision-making branches, while Milli Medjlis, the National Parliament of Azerbaijan Republic, is the legislative branch responsible for juvenile recidivism. Recently, the Ministry of Labour and Social Protection was made responsible for implementing Parliament's Law on Social Rehabilitation (see below).

Juvenile recidivism is a problem from which nobody benefits. There are no stakeholders interested in increased juvenile crime. In addition, although the amount of juvenile crimes has decreased annually in Azerbaijan(see Table 5), because most adult criminals begin their criminal careers as juveniles, solving the issues of juvenile recidivism is a vital step toward decreasing crime in general. Finally, the presence of this problem leads to many different social challenges (see Table 6.)

## Alternatives

Based on international experience, there are several options for tackling juvenile recidivism, many of these options are complementary, but not all of them are suitable for Azerbaijan. In general, rehabilitation programs dealing with underserved populations are new in Azerbaijan and they are developing without prior experience.

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<sup>27</sup> Azerbaijan NGO Alliance for Children's Right. *Monitoring the juvenile justice Administration in Azerbaijan*. p .29 Baku, 2007. Print

<sup>28</sup> Ibid. p.29

<sup>29</sup> The Ministry of Internal Affairs of the Republic of Azerbaijan. Web. <<http://www.mia.gov.az/index.php?en/speech/archive/>>.

## Option A.

Because the government is unable to set up rehabilitation programs for juvenile offenders, international organizations can help with the implementation of such programs.

In essence, a social order is a form of partnership between the government and international non-profit organizations, where the government enlists the NGOs to carry out social projects. The government decides between competing proposals from different NGOs, choosing the best alternative based on merit. International organizations can be a valuable resource for the Azerbaijani government because only they have enough money and sufficient experience for implementing post-release programs for juvenile offenders. However, foreign organizations will only be able to work after comprehensively researching and monitoring juvenile recidivism in Azerbaijan, a process that will take time.

## Option B.

Cooperation between the government and civil society for reducing the rate of juvenile recidivism requires appropriate legislation, and some attempts have been made by the adoption of the law of the Azerbaijan Republic, “On Social Adaptation of Persons Released from Confinement” of 31, May 2007.

According to this law, 3 months prior to the expiration of a sentence, certain work should be carried out to prepare the offender for release. Firstly, the management of the correctional facility should hold discussions with the detainees on their post-release prospects and offer them advice for avoiding criminal behavior in the future. Secondly, people without a place to return to should be identified by the correctional facility staff, and a list of these persons should be submitted to the Ministry of Labour and Social Protection of the Population. This ministry, together with other state bodies, is responsible for receiving relevant documents, providing temporary housing and employment, rendering educational assistance, providing financial assistance in a lump-sum, and enacting other measures.

Furthermore, in accordance with Article 176 of the Code of Execution of Sentences, the management of the correctional center must provide assistance to offenders after their release. This assistance includes financial means to reach home, foodstuffs, and, if necessary, additional provision of seasonal clothes, shoes, and lump-sum cash allowance. For released offenders without parents or those deprived of parental care and without housing, the management of the correctional center, in accordance with the Article 175.4 of Code of the Execution of Sentences, is responsible for dispatching the released juvenile to boarding school with the full financial support of the state<sup>30</sup>. Upon release from confinement, these juvenile offenders can be accompanied by the employees of the correctional center.

However, since this law was adopted, no executive organ or committee has moved to implement it, and only a few local NGOs have gotten involved. For instance, the Children’s Rights Legal Clinic provides former juvenile offenders with free legal counseling and documents, but the assistance provided isn’t comprehensive or systematic.

A-by-law to the law of Azerbaijan Republic “On Social Adaptation of Persons Released from Confinement” should be adopted in order define the main strategies or regulations through which the law should function. As the law on social adaptation already exists, only direction from the executive branch is needed for implementing the law. The by-law on social adaptation will help delineate the commitments and responsibilities of each section of the government, creating a system according which the original law will work.

Adopting law and by-law is only legislative side of the work. After it is regulated there should be the branches, commissions and other organs which implement it.

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<sup>30</sup> The synopsis from the letter which was sent from The Ministry of Justice of AR to the head of UNICEF Residential Office by Faig Gurbanov

### **Option C.**

The government should allocate money from the state budget and begin closely cooperating with local NGOs. Though the government is a key factor in the resolution of juvenile recidivism, it can make progress only with support of civil society. NGOs should be perceived as equal partners.

First, the government should team up with NGOs to set up a committee on post-release issues. This committee should have representatives both from governmental structures and from NGOs, and should be responsible for regulating each former juvenile. The members from the government should be from Ministry of Interior, Ministry of Youth and Sport, Ministry of Labour and Social Protection and Ministry of Education.

The committee should view the minor as a victim not as an aggressor and undertake the reformation and integration of the youth into mainstream society. This work should be coordinated between government agencies, NGOs, and local governments and institutions. In the cases where former juvenile offenders committed grave crimes, the committee should direct the offenders to psychological treatment as part of the post-release program. For offenders who are not from Baku, the committee should create favorable conditions in the district where they live by using local health clinics, sport centers, and other organizations.

### **Option D.**

Bring the attention of society to the problem. The best way to spread information about juvenile recidivism is to advertise in the mass media through social advertisements and TV programs. Alerting media attention to this issue will help address the isolation of former juvenile offenders by increasing society's awareness of the issue, and making it more receptive to the hardships faced by juvenile offenders.

However, media reporting must be done with care and attention. Often media stories have the opposite effect, supporting a culture of blame rather than creating more sympathetic attitudes in society, where the offenders are seen as evil and beyond rehabilitation. This is especially true if the media focuses only on severe crimes. Attention must be drawn to positive examples of rehabilitation of offenders, especially juveniles.

### **Option E.**

Mostly, juvenile recidivism comes from broken families or families with difficult social condition. The lack of a positive parental supervisor is the main reason for juvenile crime in the first case. "When parents commonly do not know where their children are, what their activities are, or who their friends are, children are more likely to truant from school and have delinquent friends, each of which are linked to offending<sup>31</sup>."

Thus, the attention of government and various organizations working in the social sphere should be moved to this issue. Increased attention to children of high risk groups starting from an early age at school, for example, can help avoid juvenile delinquency in the future. Avoiding the first crime decreases the potential for repeated crime. However, because the focus of this paper is juvenile recidivism, it does not include detailed information on how to prevent the first crime.

### **Option F.**

To create a restorative program for the youth before they leave the prison. The program should include psychological assistance to help prevent further crimes and technical courses to

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<sup>31</sup> Graham, J. & Bowling, B. Young People and Crime, Home Office Research Study No. 145,p.45-46 London: Home Office, 1995

improve the job skills of juveniles. Psychological help is key point not only after releasing but also during custody as it helps to normalize an offender emotional state.

While special courses on technical studies already exist, offenders don't achieve certificates on secondary technical trainings. The international funds and organizations in cooperation with local NGOs and the Ministry of Education can organize special professional trainings on different professions such as how to become a cook, a mechanic, a locksmith, a metalworker, etc. These skills are vital for ex-juvenile offenders to find a job.

#### **Option G.**

To give offenders the chance to study in colleges or technical secondary schools. Some attempts have been made towards this end in 2007. Initially the State Student Admission Commission held preliminary courses in the juvenile detention center, and then conducted examinations. Some offenders passed it, and were willing to continue their education after release. Their places at technical colleges were preserved. Unfortunately, this excellent initiative was organized only once.

The benefits of this can be great as it provides a chance to study and rapidly integrate into society.

#### **Option H.**

Directing juveniles away from prison after the first crime can help reduce juvenile recidivism by avoiding the damaging effects of prison. If a more lenient penalty can replace custody after the first offense, the likelihood that a juvenile won't commit a crime for the second time will increase.

The Ministry of Interior Affairs of Azerbaijan Republic has already had positive results in this kind of initiative. In 2008, the Social Rehabilitation Center for the Children in Conflict with the Law was established with the assistance of the Ministry of Interior Affairs, OSCE Baku office, and British Council. The main goal was to divert juveniles who committed a crime for the first time away from prison. As an alternative juveniles were placed in the Social Rehabilitation Center for the Children in Conflict with the Law where not only the offender, but also his parents received help from a professional psychologist and lawyer. Based on a family's economic position the juvenile's family gets social help from the government. Generally, the rehabilitation period lasts from 4 to 6 months. According to the Kamale Ashurova, the leading social worker at this Center, 167 juveniles were placed to the Rehabilitation Center since 2008, only 4 of them committed a crime for a second time which means that 2% of all juveniles in this center return to the criminal activity while 98% can integrate into society.

The downside of this solution is that this rehabilitation center works only in Baku and serves only those juveniles who live in the capital.

#### **Option I.**

Based on international experience a Juvenile Diversion Program can be an alternative to the children's colony. In this program prosecutors are given discretion to offer the juvenile the chance to avoid prison. However, to do so, the juvenile must become involved in a restorative justice program through which the juvenile must attend psychological counseling and meet with, apologize to, and perform a good deed for the victim. The idea is to socialize juveniles, make them aware of the effects of their behaviour and shame them into not doing this again.

In Azerbaijan where the role of tradition is very strong the shame can be very effective in stopping juveniles committing crime. Also, these programs are implemented with the help of

civil society. This program has been adopted in the US and many European countries and has also been successfully implemented in Georgia.

### Options J.

As part of a joint government-civil society strategy to fight juvenile recidivism, post release centers can be established that contain all the necessary psychological, legislative, and support services juvenile offenders. After release from prison, offenders can register at these support centers and upon agreeing to the proposed rules and regulation, benefit from the services. In addition, job placement services should assist the former offender find work as soon as possible. The main goal of the center will be the integration of juveniles into society and the prevention of new crimes.

### Option K.

Strengthen the punishment. Much of society believes that a harsher punishment and an increase in the length of the sentence will make former juvenile offenders more hesitant to commit additional crimes, and the fear of prison will stop former juvenile offenders from returning.

On other hand, criminologists have scientifically proven that the severity of the punishment has no effect on the number of crimes committed. Thus, this is not a very attractive option for policy makers looking to solve the issue of juvenile recidivism.

## Recommendations

The complexity of the problem of juvenile recidivism demands a multilateral solution.

Not all options are required in decision making process. The option A on inviting international organizations, option D on dragging media attention to the problem, option I on establishing Juvenile Diversion Program, option K on strengthening the punishment aren't effective solutions to the problem. Inviting international organization is controversy aspect, as their working process will take time on initial monitoring and researching. Directing media attention on the problem should be done carefully to avoid an opposite effect to the intended. A better alternative to the Juvenile Diversion Program is the Social Rehabilitation Center which will be discussed below, and strengthening the punishment makes recidivism worse rather than reducing the problem.

Taken alone, none of the outlined alternatives provides a complete solution. The alternatives to juvenile recidivism should consist of versatile social work, and multilateral strategy which include assistance, not only in the post release period, but in all stages of the juvenile recidivism process. Thus, there are 4 main stages for tackling juvenile recidivism: pre-crime period, post crime and arrest period, custody period and post release period.

- The *pre-crime period* mainly attracts attention to the risk group children who committed the first crime. The school administrative should be careful with this kind of children: involving them in social activity, meeting with parents and trying not focus attention on them (option E).
- The *post crime period* includes option H on Social Rehabilitation Center for the Children in Conflict with the Law and option I on Juvenile Diversion Program. It seems that Juvenile Diversion Program for children that commit crime should be given institutional support. However, the establishing of such kind of system takes time. As an alternative social program, the Social Rehabilitation Center for the Children in Conflict is one of the best options because it already exists. According to

an interview with Kamal Imamverdiyev<sup>32</sup>, who is the Head of Department on Preventive Work with Juveniles of the Ministry of Interior Affairs of Azerbaijan, children who have committed crime should not be punished by imprisonment. Because prison only reinforces negative patterns, intensifies relations with other offenders, makes offenders more dependent when they leave prison, and, thus, returns offenders to the exact same situation that helped them to become law-breakers in the first place, the goal of any recidivism program should be to avoid the involvement of children in the criminal justice system. Taking into consideration the positive experience in the creation of the rehabilitation centers it will be optimal if such kind of rehabilitation centers are established in the various regions (like in Naxschivan, Guba, Gandja, Lankaran) of Azerbaijan. Only serious juvenile criminals should be placed in detention, it is very important to avoid prison for the first time as a first sentence makes the second, third, and further sentences more likely

- The *period during custody* can be addressed by options F and G. It is essential to have effective restorative programs including psychological help in prison. In addition, it is also important to develop professional working skills of juvenile that can help former offenders land jobs. The special course on profession specialization can effectively provide the opportunity for integration into society.

Option G on technical education is also a good alternative, but according to the statistics only a few of juvenile offenders pass the exams (not all of them have the chance to continue their education). Thus it will be better if the both alternative are available.

- The *post release period* includes accepting a by-law on Social Adaptation (option B), comprehensive cooperation of government and NGOs (option C) and as a result of above mentioned establishing Post Release Center (option J). The center should assist in integrating juvenile in society.

The by-law will coordinate further steps on this issue and make them more constructive. However, the government should split responsibility on this issue with various NGOs. Since 1998, NGOs have done a lot of alternative research on the issue of children's rights, including juvenile offenders. It is important to create a coalition of government and local and international NGOs to tackle the problem of juvenile recidivism.

Some of these options address short term goals, while others, far-reaching reforms. While the bigger reforms are in progress, NGOs or bodies like the Social Rehabilitation Center should work on funding proposals to bring in international experts on Restorative Justice Programs and train civil society actors to conduct short restorative programs with juveniles in prison. The alternatives describing preventive pre-crime school supervision and post release centers are long-range goals that take time for implementation. Thus, the process of fighting juvenile recidivism should be undertaken step by step with a simultaneous focus on clear short term goals, that, and larger, long-term reforms.

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<sup>32</sup> МВД назвало причины детской преступности в Азербайджане: Общество, 20 июля 2011." Thesis. Новости, последние новости Азербайджана, Армении и Грузии, главные новости дня на Day.Az. <http://news.day.az/society/279561.html>

## Appendix. Table 1

<b>Age of criminal responsibility</b>	
Minimum age at which children are subject to penal law in countries with 10 million or more children under 18 years old	
Mexico	*6-12
India	7
Thailand	7
United States	**7
Indonesia	8
UK (Scotland)	8
Iran	***9
UK (England)	10
UK (Wales)	10
Ukraine	10
Turkey	11
Korea, Rep.	12
France	13
Poland	13
Germany	14
Italy	14
Japan	14
Russian Federation	14
Argentina	16
Brazil	****18
Colombia	****18
Peru	****18

\*Most states 11 or 12 years; age 11 for federal crimes.

\*\*Age determined by state, minimum age is 7 in most states under common law.

\*\*\*Age 9 for girls, 15 for boys.

\*\*\*\*Official age of criminal responsibility, from age 12 children's actions are subject to juvenile legal proceedings.

Sources: CRC Country Reports (1992-1996); *Juvenile Justice and Juvenile Delinquency in Central and Eastern Europe*, 1995; United Nations, *Implementation of UN Mandates on Juvenile Justice in ESCAP*, 1994; Geert Cappelaere, Children's Rights Centre, University of Gent, Belgium.

Table 1. from: <http://www.unicef.org/pon97/p56a.htm>

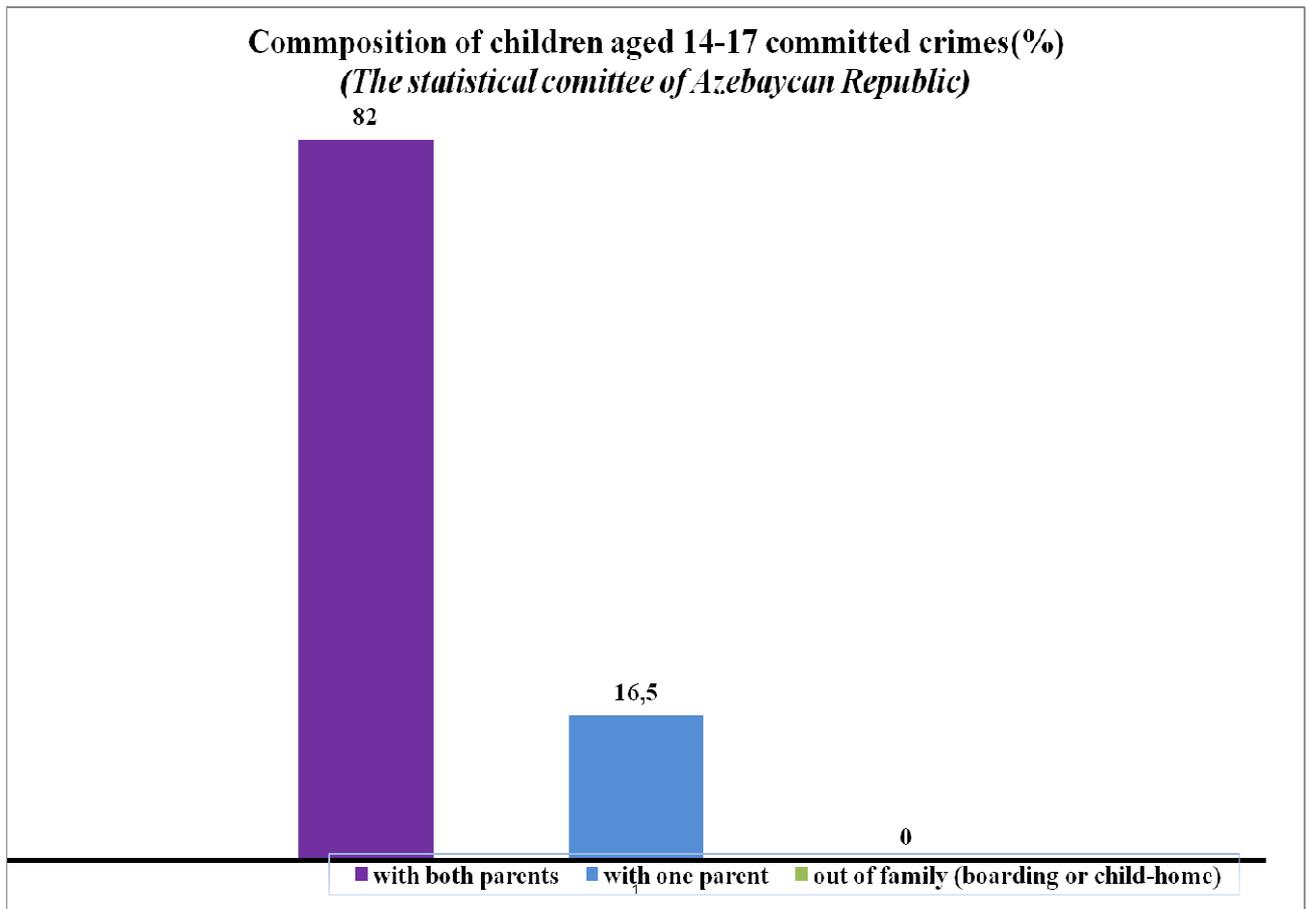


**Table 3.**

<b><i>Criteria</i></b>	<b><i>Mardakan settlement special education institution</i></b>	<b><i>Guba district special education institution</i></b>
<b>Age limits</b>	8-18 years old	11-18 years old
<b>Reasons for placement</b>	<ol style="list-style-type: none"> <li>1) Non-compliance with a previous order by the police or Commission;</li> <li>2) not attending school;</li> <li>3) difficulties communicating with parents;</li> <li>4) having experienced psychological trauma;</li> <li>5) continuously misbehaving.</li> </ol>	<ol style="list-style-type: none"> <li>1) Illegal behavior;</li> <li>2) committing a serious crime when under the age of 14;</li> <li>3) children that have not been rehabilitated while under police supervision;</li> <li>4) children breaking the law;</li> <li>5) those who were non compliant with previous orders;</li> <li>6) having an immoral lifestyle.</li> </ol>
<b>Functions</b>	Preventive work, protection of juveniles in conflict with the law and those in the need of special protection. Provision of education, social integration and rehabilitation	Provision for education, social integration and rehabilitation.
<b>Condition in institutions</b>	Open	Closed with special regime

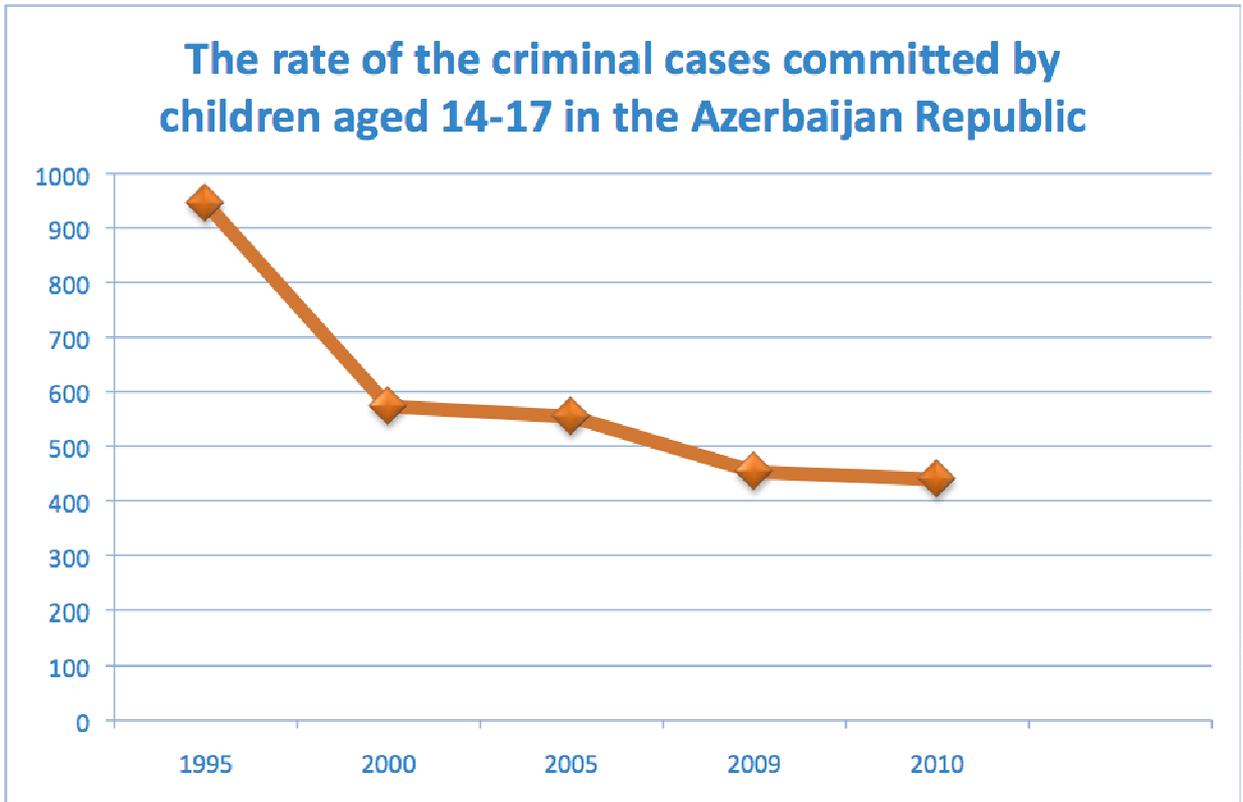
Table 2. from: Monitoring the Juvenile Justice Administration in Azerbaijan in 2007

**Table 4.**



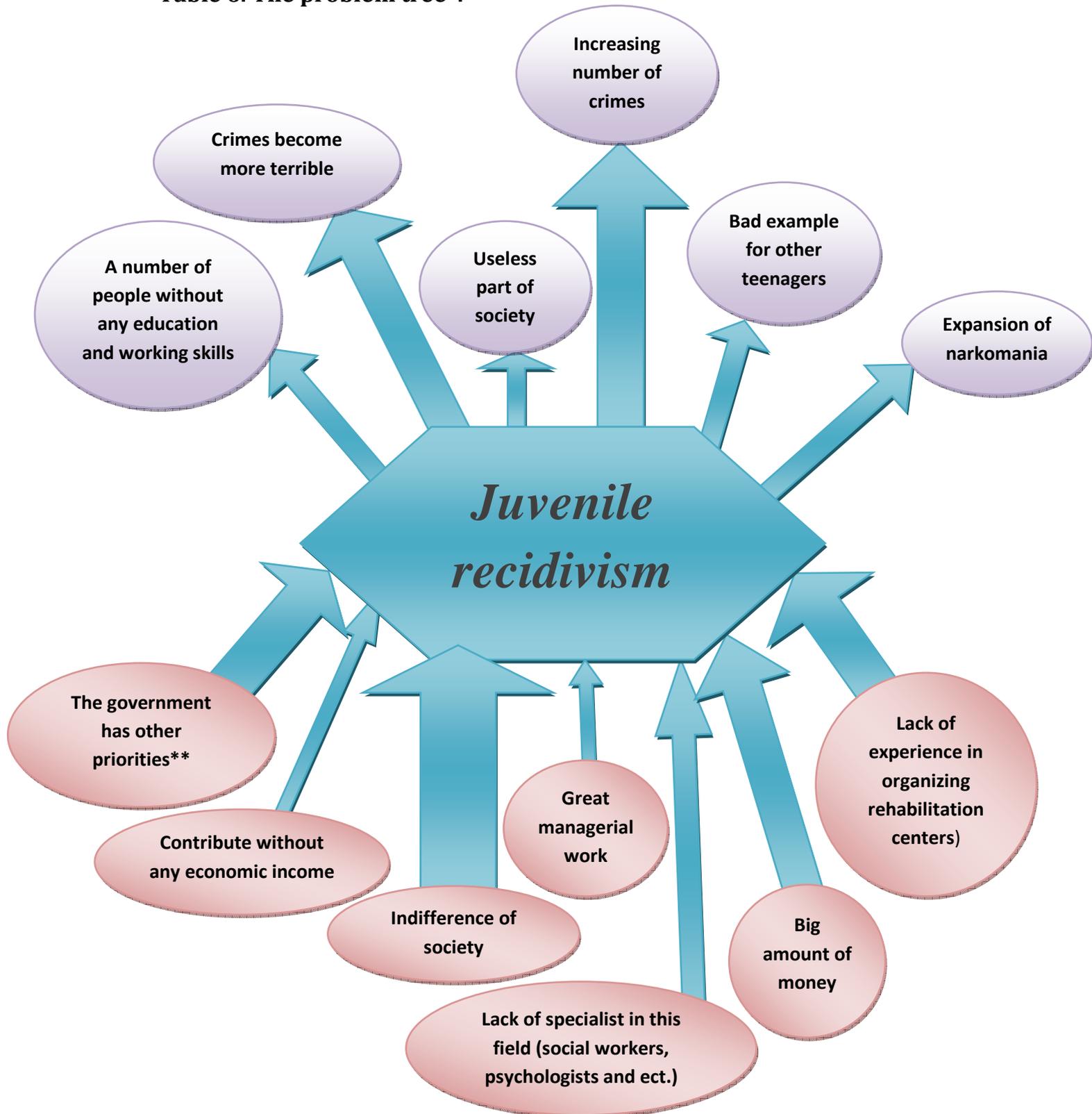
According to the data of State Statistical Committee of the Azerbaijan Republic in 2009

**Table 5.**



According to the data from the Ministry of Internal Affairs of the Azerbaijan Republic

**Table 6. The problem tree\*.**



\*A diagram shows the cause-effect relationships between the root causes of the problem and its various effects

\*\*Besides the lack of rehabilitation programs, there are a lot of paucities in juvenile justice system in Azerbaijan. There is no juvenile justice law and neither juvenile courts nor specialized judges.

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Photo on the front page : <http://www.news.az/photos/picture/27057.jpg>

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### **Abbreviations list:**

- 1) AR- Azerbaijan Republic
- 2) CPC- Criminal Procedure of Azerbaijan Republic
- 3) CC-Criminal Code of Azerbaijan Republic
- 4) NGO- non-governmental organization
- 5) UNICEF- United Nations International Children’s Emergency Fund\*

\*In 1953, UNICEF became a permanent part of the United Nations system, and its name was changed to United Nations Children’s Fund. Despite the name change, the acronym UNICEF was kept.