

**Buberbayev N. D., Senior Researcher at the Research Institute**  
(Karaganda Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan  
named after B. Beysenov)

### **Non-violent crimes against minors**

*Annotation. Based on the analysis of statistical data, materials of criminal cases, the author made a brief criminological analysis of non-violent sexual crimes committed against minors, minors. Sexual crimes against persons under the age of majority are among the most dangerous manifestations of sexual assault directed at the most vulnerable part of society and pose a serious threat to the moral, physical and mental development of minors and young children. Prevention of these negative phenomena is the main and priority task for the Kazakhstan society.*

*Key words: crime, rates of crime, latent crime, crime against a person, criminal intention, criminological situation, sexual offence.*

Sex crimes against minors are one of the most dangerous manifestations of sexual assault aimed at the society's most vulnerable group and are a serious threat to the moral, physical and mental development of minors. Prevention of these negative phenomena is the main and priority task for the Kazakhstan society.

According to the Department of the Crime Statistics and Special Records Committee of the General Prosecutor's Office of the Republic of Kazakhstan, 3 180 non-violent sexual crimes committed against minors (see table 1) [i] were registered from 2013 to 2017 on Kazakhstan territory, and their victims were over 3.2 thousand children.

*Table 1. The dynamics of non-violent crimes against minors*

<b>Crime indicators</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Article 122 of Criminal Code Sexual intercourse or other acts of a sexual nature with a person under the age of sixteen	475	497	738	458	274
Article 124 of Criminal Code Corruption of minors	169	162	99	158	150

At the same time, against the background in which the number of crimes considered is decreasing and it still remains at an unacceptably high level And if we take into account the latent nature of these crimes, their number is much higher than the statistical indicators shown, as well as the number of victims. Therefore, it can hardly be said that shown data reflect objectively a real situation that has developed.

The latency of these crimes is explained by the fact that the victims, because of fear, misunderstanding and non-acceptance by adults and intimate reasons, do not always tell about criminal acts of the guilty person, which allows the latter to continue criminal acts towards the victims. In some cases, the legal representatives of the victims do not want to give publicity to the very fact of sexual assault against the child.

In legal practice, it is not difficult for the criminal prosecution bodies to identify the persons responsible for the crimes and bring them to justice. The ratio of identified and unidentified suspects in criminal cases is approximately 8:2, that is, suspects are identified in eight cases out of 10 recorded crimes, because most of these crimes are committed by persons familiar to the victim.

For example, according to "L" victim's testimony, born in 2006, it was established that her "K" stepfather born in 1988, with whom her mother was in a common law marriage, gave her strange attentions for a long time (touched her on her private parts) when the mother was not at home. In October 2016, "K" brought her to an unfamiliar apartment, where he asked her to lie down on the bed next to him. "K" took off her T-shirt and began to cuddle up to her, put his hand under her clothes, touched her the buttocks tenderly and other private parts, lay down on her

from above and continued to rub against her. "L" understood that the actions of "K" were sexual, but she did not tell anyone about it because of her fear towards her stepfather.

The investigation of criminal offenses considered was also carried out due to the study of criminal cases materials. Total 112 models of criminal cases from the regional Department of Internal Affairs and cities of national status, were investigated. The results obtained during their analysis showed that non-violent sexual intercourse in 7 out of 10 cases or other sexual acts, as well as the corruption of minors in 9 out of 10 cases, were committed towards minors living together with their stepfathers. And in 70 % cases, mothers of the minors and stepfathers were in common law marriage. In other cases, 3 out of 10 and 1 out of 10 accordingly, non-violent sexual acts were committed against minors who lived in single parent families.

It should be noted that in families, where father was replaced by stepfather and who is legally responsible for the minor's education, often committed sexual abuse of a minor – 60 %. Thus, 40 % of sexual intercourse or other sexual acts against minors, and 80 % of corruption minors were committed by stepfathers.

A little different situation is towards non-violent sexual crimes against minors from single-parent families. The absence of a stepfather who could commit sexual abuse of a child, is partly favorable, but these children, unlike children living in intact families, are more often involved and sexually abused due to the lack of proper parental control and education that one parent can not provide .

All the families said above were socially disadvantaged. According to the investigated materials of criminal cases, it can be stated that all non-violent sexual crimes against minors are committed by persons familiar to the victims and 60 % of those who are members of the immediate environment and who are legally responsible for their upbringing.

Among the age-specific features, it can be noted that nearly 28 % of sexual intercourse or other sexual acts against minor committed by a stepfather is that the difference in age between the offender and the victim is not significant (from 3 to 7 years), while the age between spouses (unmarried cohabitant) is quite large (from 10 years and more). This insignificant age difference explains the sexual drive of the offender toward the victim. Besides, more often the minors' behavior takes forms of coquetry, showing adulthood, independence, often contributing to the commission of sexual offences and sometimes even provoke the offender.

The main determinants of sexual crimes committed against minors should include:

- spiritual crisis for the family, alcoholism and drug addiction of both parents or one of them;
- negative impact of mass media and various Internet resources, etc. on adolescents' forming consciousness and behavior, decrease of their moral, physical, spiritual, cultural and mental development;
- deterioration in moral and ethical values and principles in society, blurring of morality;
- legal ignorance of adolescents and adults about the intimate prohibitions in society;
- lack of leisure organization, gaps in the activities of the educational and cultural institutions;
- gaps in legal regulation, the allowance of committing sexual acts against minors.

The main reason for committing non-violent crimes against minors, juveniles, is disengagement and disinterest of parents or persons who take care of their children. Passive attitude of parents and their disinterest in the adolescents' occupation present a risk that children close themselves from them and do not tell them their personal and intimate aspects of their lives. Parents often try to eliminate obvious things from their minds, that is, do not notice what is happening.

All this became possible, because the authorities do not respond properly to the situation of children in difficult life situations. Many measures aimed at anti-committing crimes against minors are of a declared nature and are formally implemented.

Taking into account the presented determinants of non-violent sexual crimes against minors, we believe it is possible to propose the following measures and recommendations aimed at their prevention:

- to conduct events aimed at strengthening family values and traditions;
- to orient the state family policy to intolerance and non-acceptance of same-sex relationships and marriages by the society;
- local executive bodies should organize work on support and social assistance to socially vulnerable families in educational institutions (kindergartens, schools, universities);
- to organize outreach activities on strengthening family status, prevention of family violence and cruelty;
- to strengthen social services work on providing psychological support to parents registered as a disadvantaged family;
- to orient the work of psychological support services both to victims and to persons prone to commit sexual crimes;
- to introduce classes on victimological prevention of sexual crimes in the educational program of primary, secondary and higher education.

#### **ТҮЙІН**

Қылмыстық істер материалдарындағы статистикалық мәліметтерді талдау негізінде автор кәмелет жасына толмаған адамдарға қатысты жасалған зорлық-зомбылықсыз сексуалдық қылмыстарға қысқаша криминологиялық талдау жасаған. Оларды жасауға ықпал ететін басты себептер мен жағдайлар анықталып, оны азайту бойынша шаралар ұсынылған.

#### **РЕЗЮМЕ**

На основе анализа статистических данных, материалов уголовных дел автором сделан краткий криминологический анализ ненасильственных сексуальных преступлений, совершенных в отношении лиц, не достигших совершеннолетнего возраста. Выявлены главные причины и условия, способствующие их совершению, с учетом этого предложены меры по их минимизации.

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#### **LIST OF USED LITERATURE:**

i. According to the Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic of Kazakhstan //Access mode [Electronic resource]: <http://www.service.pravstat.kz>