

UDC 343.2

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WHICH CRIMES CAN A 14-YEAR-OLD BE TRIED FOR? THE LIST IN ARTICLE 15 OF KAZAKHSTAN'S CRIMINAL CODE COMPARED WITH 30 OTHER JURISDICTIONS

Abstract: In Kazakhstan criminal responsibility starts at the age of 16, but Article 15 of the Criminal Code lists 31 offences for which a child can be tried from the age of 14. International comparisons usually look only at the minimum age itself, and much less attention is paid to what such lists contain. In this study I compared the Kazakhstan list with the rules of 30 other jurisdictions in Europe and Asia. I read each rule in the current text of the national criminal code, put every listed offence into one of five groups, and traced how the Kazakhstan list changed after the 1997 Code. Eleven of the 31 jurisdictions use a list of offences for younger children, nineteen have one minimum age without exceptions, and Sweden, since September 2026, uses a penalty threshold instead of a list. Among the eleven lists, Kazakhstan's is the second longest (31 offences, median 20) and has the second lowest share of offences against the person (19.4%, median 28.6%), in both cases after Russia. It is also the only list that includes offences of public expression, namely incitement of discord and propaganda of terrorism. When the 1997 list (21 offences) was replaced by the 2014 list (30 offences), all nine new offences were crimes against the state or terrorism offences, while the number of offences against the person stayed at six. Unlike China and Ireland, where a prosecutor must approve the case, and Poland, where a court decides in each case, Kazakhstan applies its list automatically. These results suggest that the list grew mainly together with the offences against the state and terrorism in the Code, and I found no sign that knowledge about how children develop played a role in it.

Keywords: minimum age of criminal responsibility; juvenile justice; Criminal Code of Kazakhstan; comparative law; adolescent development; children's rights

1. Introduction

In Kazakhstan a person can be prosecuted for a crime from the age of 16. Article 15 of the Criminal Code makes an exception: children aged 14 and 15 are criminally responsible for 31 offences named in its second part [1]. Some of these offences are the ones most people would expect, such as murder, rape and kidnapping. Others are less obvious, for example theft of livestock, aggravated hooliganism, damaging items of special value, a knowingly false report of an act of terrorism, and propaganda of terrorism. The list therefore decides which acts of a 14-year-old are treated as crimes and which are not, and it is not obvious from the text why these particular offences were chosen.

The international standard on this question comes from the United Nations Committee on the Rights of the Child. In its General Comment No. 24 (2019) the Committee encourages states to set the minimum age of criminal responsibility at no lower than 14 years, and it bases this on evidence from child development and neuroscience [2]. In the same document the Committee

says it is concerned about rules that allow a lower age when a child is accused of a serious offence, writes that such rules are "usually created to respond to public pressure", and recommends that states abolish them [2]. Kazakhstan's general age of 16 is above the level the Committee asks for, but the list in Article 15 is exactly the kind of exception it describes.

Research on adolescent development explains why the age question is not simple. Adolescents can reason well about hypothetical problems, but their judgement in real situations is less mature than that of adults because of lower responsibility, perspective and self-control [3]. According to the social neuroscience model, the brain systems linked to reward and emotion develop earlier than the systems of cognitive control, which makes risk-taking typical for this age [4], and adolescents take more risks when their peers are present [5]. A study of more than 5,000 people in eleven countries found that cognitive capacity reaches adult levels around the age of 16, while psychosocial maturity continues to develop after 18 [6]. In other words, a 14-year-old may know that an act is forbidden and still be less able than an adult to stop himself, especially in a group.

Most earlier comparative work looks at the general minimum age. Cipriani compared minimum ages around the world from the point of view of children's rights [7], Farmer and Brown and Charles discussed whether the age of 10 in England and Wales can be justified [8, 9], and Llamas and Marinaro used neuroscience to argue for more limited punishment of young offenders in Latin America [10]. Public opinion matters as well: in the Czech Republic, support for a lower minimum age was driven mainly by how people perceive trends in children's crime [11]. When I first planned this study, my question was whether the minimum ages in different countries agree with neuroscience. While reading, I found that this question has already been discussed a lot, so I changed the focus. I could not find a study that compares what the lists of exceptions actually contain, and this is the question of the present paper.

I asked four questions:

- Which of 31 jurisdictions allow a lower age for particular offences, and in what form?
- How long are the lists of offences and what kinds of offences do they contain, and where is Kazakhstan among them?
- How has the Kazakhstan list changed since the 1997 Criminal Code?
- What safeguards come together with these lists?

2. Data and methods

Jurisdictions. I started from a table of 31 jurisdictions that I made from the country pages of the Child Rights International Network (CRIN) [12]. I chose them so that the table would have a wide range: Kazakhstan and its neighbours (Russia, Uzbekistan, Kyrgyzstan, Tajikistan, Turkmenistan, China and Mongolia), seventeen European jurisdictions including those with the lowest and highest ages in Europe (Switzerland, England and Wales, Scotland, Ireland, the Netherlands, Germany, France, Italy, Spain, Poland, Sweden, Norway, Denmark, Belgium, Portugal, Croatia and Greece), and six other countries (Ukraine, Georgia, Turkey, Japan, South Korea and India). The sample is not random. It was chosen to compare Kazakhstan with its region and with countries that are often used as examples in discussions of youth justice.

Checking the rules against the law. CRIN is a useful starting point, but it is a secondary source and some of its pages are several years old. When my first table was checked, it had mistakes. For example, it gave Kazakhstan's ages as "13-14", although Article 15 has no age of 13, and for Uzbekistan it referred to the Russian Criminal Code. Because of this, every rule in the final dataset was read in the current text of the national law, mostly in official legal databases, on 2 October 2026. This mattered: several rules had changed after the CRIN pages

were written. Russia added sabotage offences to its list in 2025 [13], Turkmenistan adopted a new edition of its Criminal Code in force from 1 January 2023 [14], Mongolia amended its list in 2021 [15], Poland added a lower age for aggravated murder by a law of 2022 [16], and Sweden lowered its age for serious offences in September 2026 [17]. For 28 of the 31 jurisdictions the rule was read in the law itself. For Belgium, Greece and Portugal I used secondary legal sources, and none of these three has an offence list.

What I recorded. For every jurisdiction I recorded the general minimum age, whether a lower age applies to particular offences, the lower age, and every offence on the list. An "offence" is one item as the law names it. If the law names several articles together as one item, for example the Ukrainian list names attacks on the life of a state figure, a judge or a police officer together, I counted it once. The law of Uzbekistan lists only article numbers, so there each article is one item.

Five groups of offences. I put every listed offence into one of five groups according to what it protects:

- Against the person: murder, bodily harm, sexual violence, kidnapping, human trafficking and domestic violence.
- Property: theft (including theft of livestock), open theft, robbery, extortion, taking a vehicle, and destroying or damaging property.
- Terrorism, hostage-taking and armed groups: terrorist acts and their financing, propaganda, organisation and training, failure to report them, hostage-taking, false reports of terrorism, attacks on buildings and means of communication, illegal armed groups and banditry.
- The state and international order: attempts on the life of the head of state, officials, judges, police officers or internationally protected persons, sabotage, and incitement of national, religious or other discord.
- Other public safety and order: hooliganism, vandalism, weapons, explosives, drugs, transport, riots, escape from custody, desecration of graves, computer offences, cruelty to animals, arson and poisoning.

Some offences could belong to two groups. I placed incitement of discord (Article 174 of the Kazakhstan Code) in the group of the state and international order, because the Code itself puts it in the chapter on crimes against peace and the security of mankind, next to the attack on internationally protected persons (Article 173) [1]. Hostage-taking was placed with terrorism. To see whether these two choices change the results, I repeated the analysis twice: once with incitement of discord moved to "other", and once with hostage-taking moved to offences against the person.

Offences of public expression. Separately, I marked offences that are committed mainly by saying, writing or publishing something addressed to other people: incitement of hatred or discord, public calls to commit crimes, and propaganda.

History of the Kazakhstan list. I read Article 15 of the 1997 Criminal Code in the text that was in force when the Code was replaced [18], the original text of Article 15 of the 2014 Code [19], and all six laws that amended Article 15 between 2017 and 2026 [1, 20, 21].

Safeguards. For each list I read the age article and the rules it refers to, and recorded whether there is a step that filters cases before prosecution, whether a court decides if the lower age should apply, and what happens to a child with a delay in mental development.

The dataset covers all rules in the chosen jurisdictions, not a sample of cases, so I report counts, percentages and medians and do not use significance tests.

3. Results

3.1 Three ways of setting the age

Table 1 shows all 31 jurisdictions. Nineteen of them use one minimum age without any list. Eleven use a list of offences for which a younger child can be tried, and Sweden uses a third design: since 10 September 2026, a 14-year-old can be punished for offences that carry a minimum penalty of at least four years of imprisonment, as a temporary rule for five years [17]. The Swedish rule does not name the offences; it depends only on how serious the punishment is.

Table 1. Minimum ages of criminal responsibility in 31 jurisdictions

Jurisdiction	General age	Lower age	Offences on the list
Russia	16	14	37
Kazakhstan	16	14	31
Uzbekistan	16	14	22
Tajikistan	16	14	22
Kyrgyzstan	16	14	21
Ukraine	16	14	20
Turkmenistan	16	14	14
Mongolia	16	14	12
Poland	17	15 (14)	10
China	16	14 (12)	8
Ireland	12	10	5
Sweden	15	14	no list, penalty of at least 4 years
India	7	none	none
England and Wales	10	none	none
Switzerland	10	none	none
Netherlands	12	none	none
Scotland	12	none	none
Turkey	12	none	none
France	13	none	none
Croatia	14	none	none
Georgia	14	none	none
Germany	14	none	none
Italy	14	none	none
Japan	14	none	none
South Korea	14	none	none
Spain	14	none	none
Denmark	15	none	none
Greece	15	none	none
Norway	15	none	none
Portugal	16	none	none
Belgium	18	none	none

The lower age applies only to the listed offences. China also allows prosecution from 12 for two offences with the approval of the Supreme People's Procuratorate, and Poland from 14 for aggravated murder. In the Netherlands, Belgium and some other countries older children can be treated as adults for serious offences, which is a different rule and was not counted as a list. In France, Turkey and India children are responsible above the general age shown here only if they are found able to understand their acts (until 13, 15 and 12 years respectively). Sources: national criminal codes, read on 2 October 2026; for Belgium, Greece and Portugal, secondary sources.

The lists are concentrated in one region. All eight post-Soviet jurisdictions in the sample except Georgia have a list, and so do China and Mongolia. Georgia also had a list for a short time: amendments adopted in 2007 lowered the age to 12 for premeditated murder, intentional damage to health, rape, most types of robbery and possession of knives from 1 July 2008, and after criticism from the Committee on the Rights of the Child the single age of 14 was restored in 2010 [22, 23]. In Europe only Poland and Ireland use lists. I also checked two post-Soviet countries outside my sample, Belarus and Armenia, and both of them use the same kind of list with the age of 14 [24, 25].

3.2 How long the lists are and what is on them

Figure 1 shows the eleven lists divided into the five groups. They range from 5 offences in Ireland to 37 in Russia, and the median is 20. Kazakhstan has the second longest list with 31 offences.

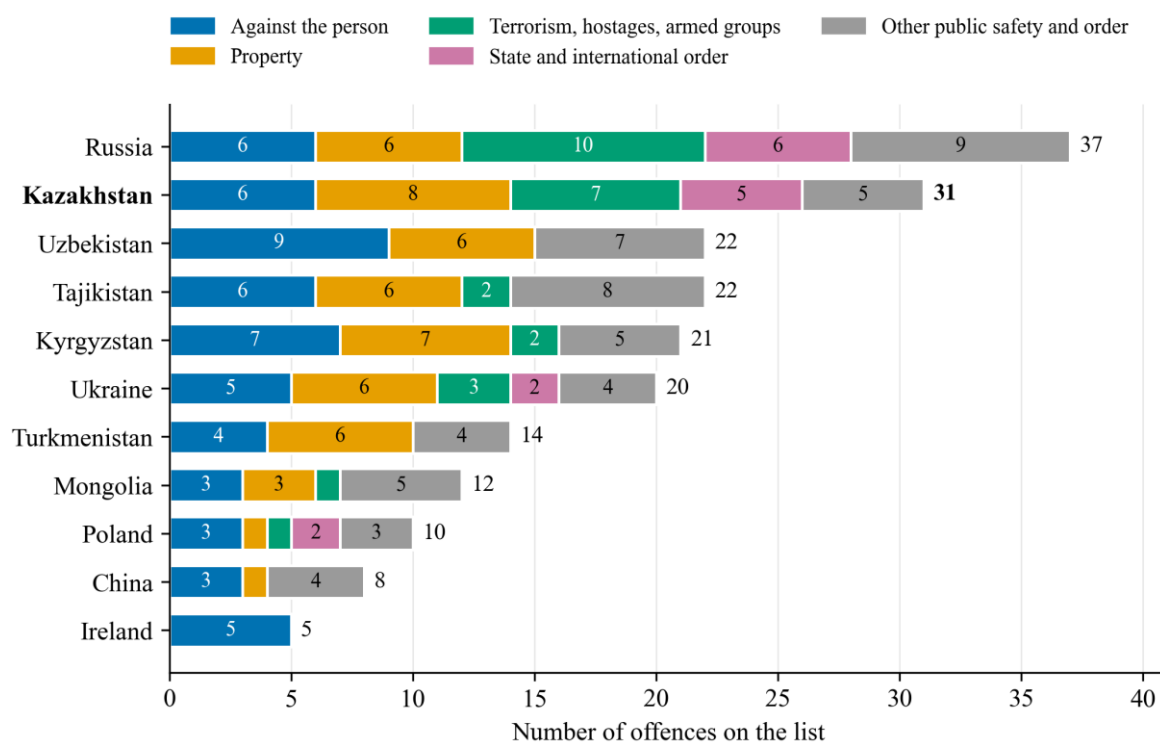


Figure 1. Offences for which a child below the general age can be tried, by group, in the eleven jurisdictions that use a list

The number of offences against the person is similar in most lists: six in Kazakhstan, Russia and Tajikistan, seven in Kyrgyzstan and nine in Uzbekistan. What makes the Kazakhstan and Russia lists longer is everything else. Offences against the person are 19.4% of the Kazakhstan list and 16.2% of the Russian list. These are the two lowest shares among the eleven lists, while the median is 28.6%. In Ireland, the list includes only offences against the person.

The two long lists also contain most of the terrorism and state offences in the whole dataset. Russia has 10 terrorism offences and 6 state offences, and Kazakhstan has 7 and 5. Ukraine has 3 and 2, Poland 1 and 2, and the other seven lists have at most 2 terrorism offences and no state offences at all. In Kazakhstan these two groups together make up 12 of the 31 offences (38.7%), which is twice as many as the six offences against the person.

The two checks with different coding did not change this picture. With incitement of discord moved to "other", Kazakhstan has 4 state offences instead of 5, and its share of offences against the person does not change. With hostage-taking counted as an offence against the

person, Kazakhstan's share rises to 22.6% and Russia's to 18.9%, and they are still the two lowest.

3.3 Offences of public expression

The Kazakhstan list is the only one of the eleven that includes offences of public expression. A 14-year-old in Kazakhstan can be tried for incitement of social, national, ethnic, racial or religious discord (Article 174) and for propaganda of terrorism or public calls to commit an act of terrorism (Article 256) [1]. Russia has a similar offence of public calls to terrorist activity and propaganda of terrorism (Article 205.2 of its Code), but it is not on the Russian list, so in Russia this offence applies only from 16 [13]. Kazakhstan and Russia both include a knowingly false report of an act of terrorism, which is also an offence committed with words, but it is about a specific false message rather than about views.

3.4 How the Kazakhstan list changed

Figure 2 compares three versions of the Kazakhstan list. The 1997 Code had 21 offences in it when it was replaced, and six of them were offences against the person [18]. The 2014 Code started with 30 offences [19]. All nine new ones were crimes against the state or terrorism offences: the attack on internationally protected persons, incitement of discord, the attempts on the life of the First President and of the President, sabotage, propaganda of terrorism, creating or taking part in a terrorist group, financing terrorism or extremism, and attacks on buildings and means of communication. No new offence against the person was added, so their share fell from 28.6% to 20.0%. It is interesting that 28.6% is exactly the median of the eleven lists today.

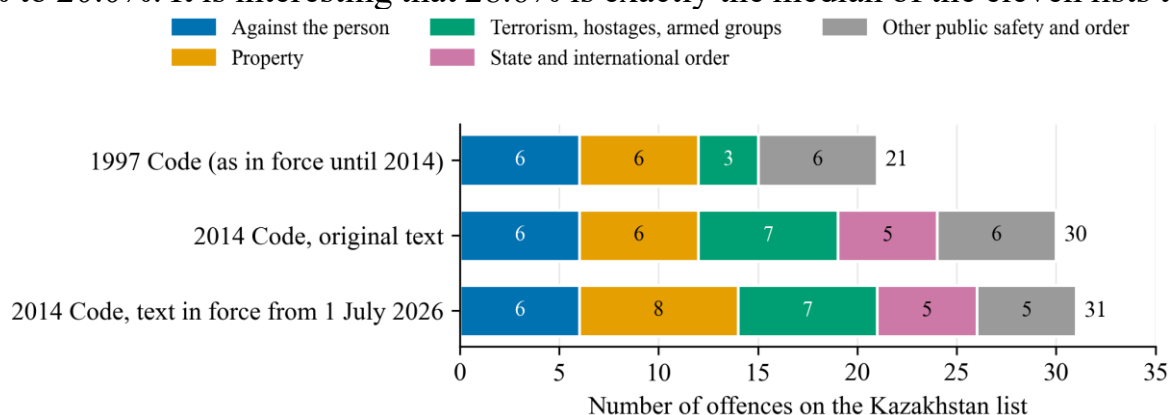


Figure 2. The Kazakhstan list in the 1997 Criminal Code, in the original text of the 2014 Criminal Code and in the text in force from 1 July 2026

After 2014 the list changed little. In 2019 livestock theft was added and vandalism was removed [20], and in 2024 the destruction or damage of items of special value was added [21]. The amendments of 2017, 2020, 2025 and 2026 changed only the wording, for example "the First President of the Republic of Kazakhstan, Elbasy" became "the ex-President of the Republic of Kazakhstan" in 2025 [1].

One change went in the other direction. The 1997 Code freed a minor with a delay in mental development from responsibility only for crimes of small or medium gravity [18]. In the 2014 Code this rule applies to any offence [19].

3.5 Safeguards

Table 2 shows what each list comes with. In three jurisdictions there is a step before the case or a decision of a court. In Ireland, when a child under 14 is charged, no further proceedings can take place without the consent of the Director of Public Prosecutions [26]. In China, a child aged 12 or 13 can be prosecuted only for intentional homicide or intentional injury that causes

death or, by especially cruel means, serious disability, and only with the approval of the Supreme People's Procuratorate [27]. In Poland, the court decides whether a child aged 14 to 16 should be tried under the adult rules, taking into account the circumstances of the case and the child's development and personal conditions [16].

Table 2. Safeguards that come with the lists

Jurisdiction	Safeguard linked to the lower age	Type
Ireland	Proceedings against a child under 14 need the consent of the Director of Public Prosecutions	Filter before prosecution
China	Prosecution at 12-13 needs the approval of the Supreme People's Procuratorate	Filter before prosecution
Poland	The court decides whether the lower age is applied, considering the child's development	Decision of the court
Kazakhstan, Russia, Tajikistan	No responsibility if a delay in mental development, not caused by a mental disorder, prevented the child from fully understanding the act	Defence during the case
Mongolia	Punishment may be waived if a delay in mental development prevented full understanding	At sentencing
Turkmenistan	A delay in mental development only reduces the punishment	At sentencing
Ukraine, Uzbekistan, Kyrgyzstan	Nothing in the article on age	None

Based on the article on the age of criminal responsibility and the rules it refers to in each code.

Kazakhstan belongs to the group with a defence for delay in mental development. This rule protects some children, but it works inside a case that has already started. It does not decide whether a 14-year-old should be prosecuted in the first place, which is what the Irish and Chinese filters do.

4. Discussion

The main result of this study is that Kazakhstan's list is long, and that it is long because of offences that are not about violence against people. Kazakhstan has the same number of offences against the person on its list as Russia and Tajikistan, and fewer than Uzbekistan or Kyrgyzstan. The difference comes from terrorism, state and property offences. The comparison with the 1997 Code shows where this difference came from: all nine new offences in 2014 were from these groups.

I cannot say from the text of the law why each offence was added, because I did not find the explanations that were written for the 2014 Code. Still, the pattern fits what the Committee on the Rights of the Child writes about such lists, namely that they usually respond to public pressure and are not based on an understanding of how children develop [2]. The Czech study of public opinion shows that support for a lower minimum age depends on how people see trends in children's crime [11]. Russia did something similar very recently: in November 2025 it added sabotage and three related offences to its list, and this was done by a law about sabotage [13]. In Kazakhstan the nine new offences came with the new Code in 2014, at the same time as the Code's chapters on terrorism and crimes against the state.

The developmental research is relevant here. Several offences on the Kazakhstan list can be committed in a group or online, such as aggravated hooliganism, incitement of discord and

spreading propaganda. Teenagers take more risks when their peers are around [4, 5], and their psychosocial maturity is still developing at 14 and 15 even if their reasoning is close to adult level [6]. A 14-year-old who shares extremist material in a group chat may understand that it is wrong and still do it to look brave in front of friends. The act can still be harmful, but the reasons the Committee gives for a minimum age of at least 14 seem to apply especially strongly to offences like these.

The comparison also shows that the direction of change is not the same everywhere. Georgia lowered its age for a list of offences in 2008 and returned to a single age in 2010 [22, 23], and Kazakhstan itself made its delay-in-development rule wider in 2014. At the same time, Poland added a lower age for aggravated murder by a law of 2022 [16], and Sweden lowered its age for serious offences in 2026 [17]. So the pressure to treat younger children as adults for serious crimes exists in Europe too. The post-Soviet lists, and especially the Kazakhstan list, are much wider. The Polish and Swedish exceptions are limited to the most serious crimes, and in Poland a court decides in each case whether to apply the lower age.

In my opinion, the age of 14 is easiest to defend for offences where a person is killed or seriously hurt, because the harm is very serious and the child can understand it. For offences such as livestock theft or damaging property, and especially for offences of expression, it is harder to see why a 14-year-old should be treated as an adult when the same Code treats him as a child for almost everything else.

Based on this comparison, three changes could be discussed. First, the list could be reviewed with the General Comment in mind, starting with the offences of public expression and the property offences that do not involve violence. Second, for the offences that stay on the list, Kazakhstan could add a filter before prosecution, similar to the consent of the prosecutor in Ireland or the approval of the highest prosecutor's office in China. Third, it would help to publish how often each part of Article 15 is used against 14- and 15-year-olds, because without these numbers it is impossible to know what the list means in practice. These are ideas that follow from the comparison, and I did not test them. In September 2026 the Committee on the Rights of the Child considered the combined fifth and sixth reports of Kazakhstan. Its concluding observations, published on 28 September 2026 as an advance unedited version, do not mention Article 15 or the list. They do ask Kazakhstan to establish diversion mechanisms and other measures outside the courts for children accused of crimes, and to make sure that any restrictions of children's freedom of expression under the laws on extremism, false information or public order are necessary and proportionate [28]. The first point is close to the idea of a filter before prosecution, and the second one concerns the same kind of offences as Articles 174 and 256.

5. Limitations

This study compares rules in the law, not how they are used. A long list does not tell how many 14- and 15-year-olds are actually prosecuted for each offence, and I did not have these statistics. The sample of 31 jurisdictions was chosen by me and is not random, so the medians describe this sample and not the whole world. Putting offences into groups requires judgement. I tested the two most debatable choices and the main results did not change, but another person could still group some offences differently. Lists are counted in different units in different laws, and Uzbekistan's list is written as article numbers, so the lengths are not perfectly comparable. For Belgium, Greece and Portugal I relied on secondary sources. Several laws were read in Russian or English translations or in automatic translation, which may miss details. Finally, laws change often, as the 2025 and 2026 changes in Russia, Kazakhstan and Sweden show, so the dataset describes the situation on 2 October 2026.

6. Conclusion

Eleven of 31 jurisdictions allow a younger child to be tried for a list of offences, and Kazakhstan's list is one of the longest of them, with the second lowest share of offences against the person and the only offences of public expression in the sample. Its growth from 21 to 30 offences in 2014 came entirely from crimes against the state and terrorism offences. Kazakhstan also applies its list automatically, while in China and Ireland a prosecutor must approve the case and in Poland a court decides in each case. If the age of 14 is kept for the most serious violent crimes, the rest of the list could be reviewed, and a filter before prosecution could be added.

Author contribution and use of AI

The author chose the topic, made the first table of 31 jurisdictions from CRIN, and wrote the opinion in the Discussion. The author's mentor checked every rule against the current national laws, collected the history of the Kazakhstan list, built and coded the dataset, made the figures, and helped write and edit the English text. Generative AI tools were used to help with translation and editing. Every legal provision and number in the paper was checked against its source by the author's mentor.

Data availability

The coded dataset with all 202 listed offences and the source of every rule is available from the author on request.

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