



HUMAN RIGHTS COMMISSIONER
IN THE REPUBLIC OF KAZAKHSTAN

ABOUT COMBATING FAMILY AND DOMESTIC VIOLENCE

Special report

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ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДАҒЫ
АДАМ ҚҰҚЫҚТАРЫ ЖӨНІНДЕГІ УӘКІЛ



«ТҰРМЫСТЫҚ ЗОРЛЫҚ-ЗОМБЫЛЫҚҚА ҚАРСЫ ІС-ҚИМЫЛ:
ПРОБЛЕМАЛАР ЖӘНЕ ШЕШУ ЖОЛДАРЫ»

АТТЫ ХАЛЫҚАРАЛЫҚ ҒЫЛЫМИ-ПРАКТИКАЛЫҚ КОНФЕРЕНЦИЯ

МЕЖДУНАРОДНАЯ НАУЧНО-ПРАКТИЧЕСКАЯ КОНФЕРЕНЦИЯ НА ТЕМУ:
ПРОТИВОДЕЙСТВИЕ ДОМАШНЕМУ НАСИЛИЮ: ПРОБЛЕМЫ И ПУТИ РЕШЕНИЯ



ASTANA, 2024



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INTRODUCTION



75 years have passed since the adoption of the Universal Declaration of Human Rights and the issues of ensuring and protecting the rights of citizens come to the fore.

One of the pressing topics in recent years has been problems in family and domestic relations.

This includes a broad range of issues starting from equality, non-discrimination, freedom of will expression and self-actualization. Protection against physical, psychological, sexualized and economic violence against a person certainly remains the urgent concern.

Problems of personal security from domestic abuse are inherent in any society and state. This is due to the peculiarities of traditional family relations, but also to the development, in general, of the worldview and the system of moral values.

According to UN Women, of the world's 736 million women, **nearly one third of women aged 15 and over experiences physical or sexual violence**. More than 45,000 women die by the hand of a partner every year.

155 countries have adopted laws on domestic violence, and 140 countries have laws on sexual harassment in the workplace. However, problems with enforcement of these laws and impunity for abuse still exist.

This entails serious economic costs - increased burden on healthcare, lost productivity, legal costs, prisoners detention costs etc.

The danger of domestic violence cannot be underestimated; it consists not only in causing harm or death, orphanhood and trauma to children, but also in undermining the institution of the family and social ties, devaluing the highest values - the human being, his life, health and inviolability. Intra-family life has a huge impact on the social order and, consequently, on overall progress and development.

The President of our country, K.-J. Tokayev, has repeatedly pointed out that it is impossible to turn a blind eye to the numerous cases of domestic violence and the impunity of abusers unties their hands, leaving their victims defenseless.

It should be noted that Kazakhstan was the first country in the post-Soviet space (in 2009) to adopt a legal act on combating domestic violence, defining it and establishing its legal responsibility.



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In terms of further combating domestic violence, it is important to take measures to:

- 1) eliminate all forms of discrimination including based on gender;
- 2) ensure freedom of labor and equal remuneration;
- 3) protect inviolability, honor and personal dignity;
- 4) foster respect for family values and protect motherhood and fatherhood;
- 5) establish adequate responsibility for violation of legal prescriptions.

In the lights of certain high-profile crimes in our country, the strengthening of criminal liability and criminalization of administrative offences in the family and domestic sphere are actively discussed. Therefore, our common efforts should be focused not only at toughening sanctions, but also at preventing and eliminating conditions for domestic violence.

The main ones among them are socio-economic risk factors associated with employment, decent wages, and housing conditions.

The level of education, legal awareness, elimination of gender stereotypes, promotion of healthy lifestyles and domestic habits are equally important aspects of influence. An environment of intolerance towards violators and abusers should be created in the society.

This report is an attempt to analyze from a human rights perspective the crime situation in the field of family and domestic relations, international standards and national mechanisms for counteracting this phenomenon; to present the results of a social survey and recommendations for counteracting domestic violence in Kazakhstan.

As a result, we came to the opinion on the necessity to further improve legislation, strengthen interdepartmental cooperation of authorized state bodies, reformat the work of public and private institutions providing social services, as well as develop prevention and the introduction of advanced international methods and systems.

I would like to express my gratitude to all the team of the National Center for Human Rights (Center) for organizing domestic violence studies.

Special thanks to S. Tursynbekova, Head of the Center, and A. Syzdykov, Deputy Head of the Center's Secretariat, for their active involvement in preparing this report.

A. Lastayev
Human Rights Commissioner
in the Republic of Kazakhstan



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SUMMARY

Domestic violence is recognized as a pressing problem in many countries and is the focus of attention of international organizations. According to the UN, about 2 million children under the age of 14 suffer annually from parental abuse.¹ One in five women in EU countries is a victim of domestic violence.

The international community considers protection from domestic violence one of the most important tasks of a people-centered state. Domestic violence is perceived not only as a violation of human rights, but also as a factor that hinders family development and destroys social values.

The UN defines violence against women as “any act of violence committed on the basis of gender”.

Studies in the field of domestic violence identify the following risk groups:

- 1) socio-economic factors (difficulty in finding jobs, lack of housing, low wages etc.);
- 2) legal measures;
- 3) low level of education and awareness;
- 4) bad habits;
- 5) low level of gender equality;
- 6) gender pay gap;
- 7) horizontal and vertical segregation in the labor market, restricting women’s access to so-called “male” professions;
- 8) relative female overrepresentation in conventional and low-paid sectors of the economy etc.

State family policy is a part of social policy of Kazakhstan. It is aimed to support, strengthen and protect families, to create the necessary conditions contributing to the physical, intellectual, spiritual and moral development of families and their members, and to protect motherhood, fatherhood and childhood.²

More than 50 legal acts guaranteeing rights and freedoms in the family and domestic sphere and the protection of children (minors) against violence have been adopted and put into effect in order to address the challenges facing the State aiming to reduce threats and develop preventive and prophylactic measures.

¹ UN Strategies for Confronting Domestic Violence: a Resource Manual. NY, 2008.

² Concept of Family and Gender Policies in the Republic of Kazakhstan until 2030 approved by the Decree of the President of the Republic of Kazakhstan of 6 December 2016 No.384 // <https://adilet.zan.kz/rus/docs/U1600000384> (18.09.2023).



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The sectoral regulatory legal act to combat domestic violence is the Law of the Republic of Kazakhstan On the Prevention of Domestic Violence, adopted in 2009.

A number of measures have been taken at the instruction of the Head of State to strengthen liability for domestic violence.

On 19 May 2023, amendments to the Criminal Code of the Republic of Kazakhstan (hereinafter - CC) came into effect, providing for the introduction of a qualifying factor for causing serious or moderate harm to health to persons who are materially or otherwise dependent on the perpetrator (Art.106 CC, Art. 107 CC). This makes it possible to detain domestic abusers, as the sanctions have also been toughened.

On 1 July 2023, amendments to the Code of Administrative Offences (hereinafter - CAO) came into force, providing for the transition from the declarative to the detecting procedure for initiating administrative proceedings for domestic violence. In addition, the possibility of repeated reconciliation of the parties was excluded: now it is allowed only once at the stage of court proceedings, which reduces the malpractice of psychological pressure on victims.

Since October 2023, the single state contact center “111” for family, women and children’s rights protection has been operating for prompt provision of legal, psychological and advisory support.

On 23-24 November 2023, the Office of the Human Rights Commissioner in the Republic of Kazakhstan held the International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions”, which resulted in recommendations for further promotion of the rights of women, children and victims of domestic violence, which form the basis of this report.



The International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions” was held on 23-24 November 2023 in Astana (organized by the National Center for Human Rights in the Republic of Kazakhstan)



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The relevance and prevalence of this negative phenomenon in family relations are evidenced by the reports of domestic violence received by me and my regional representatives. In all cases, explanations are given and recommendations are sent to the competent authorities.

Employees of the Center and representatives of the Human Rights Commissioner in the Republic of Kazakhstan published more than 20 articles in 2023 on combating domestic violence; regular lectures on human rights, including on the prevention of domestic violence are held.

Despite the legislative and preventive measures taken, domestic violence in its various forms still exists, but is perceived more sensitively as a factor associated with negative multiplicative medical, demographic and other socio-economic consequences for individual citizens and society as a whole.

In this regard, it is important to continue working to eliminate all forms of discrimination, including on the basis of sex, ensure freedom of work and its remuneration without discrimination, inviolability of honor and personal dignity, protection of motherhood and fatherhood, education and respect for family values, as well as the establishment of adequate liability for violations of these rights and freedoms.



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1. INTERNATIONAL STANDARDS OF COMBATING DOMESTIC VIOLENCE

International legal instruments that establish fundamental human rights ensure that everyone is protected from violence and other degrading treatment.


Notably, the year 2023 passed all over the world under the auspices of the 75th anniversary of the **Universal Declaration of Human Rights**.³ It is therefore important to reiterate its main provisions.

All human beings are born free and equal in dignity and rights (Art.1). No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Art.5).

The document emphasizes the right of people to live free from violence, the value of the family and its special role in social development and personality formation, including the right of every family to protection by society and the state.

The basic principles first set out in the Universal Declaration of Human Rights, such as universality, interdependence and indivisibility, equality and non-discrimination, the relationship of human rights with positive and negative obligations of the State, have been realized in numerous human rights conventions, declarations and resolutions and other international instruments.

The international community, realizing the urgency of the problem of domestic violence, is trying to develop a unified system for its prevention and protection of victims.

 In 1993, the UN General Assembly, recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings, proclaimed the **Declaration on the Elimination of Violence against Women**⁴ and urged that every effort be made to comply with it. Taking into account the place where the violence occurs and the relationship between the perpetrator and the victim, the document identified three main forms of violence: (1) *violence in the family*; (2) *violence in the community*; and (3) *violence perpetrated or condoned by the State*.

³ 10 December is the day the Universal Declaration of Human Rights was adopted coinciding with the day of the Office of the High Commissioner for Human Rights.

⁴ Adopted by Resolution 48/104 of the UN General Assembly of 20 December 1993.




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The Declaration states that *violence against women shall be understood to encompass Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation (Art.2).*

States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

- *develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women;*
- *develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature;*
- *adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women (Art.4).*

 In 1996, in order to improve the legal frameworks of countries to combat domestic violence, the UN developed the **Model Legislation on Domestic Violence**, which contains minimum international standards. It defines the main forms of domestic violence, details the mechanism of reporting by victims, defines the rights of victims, the responsibilities of competent structures, and establishes measures of emergency and planned assistance to victims.

A separate section of the report is devoted to a comparative analysis of the Model Legislation and the national law on the prevention of domestic violence.

In 1998, the Republic of Kazakhstan acceded⁵ **the Convention on the Elimination of All Forms of Discrimination against Women**.⁶ 

Given the particular vulnerability of women to domestic violence, a significant role in the Convention is given to the elimination of all forms of discrimination against women, *obligating the states to take all appropriate measures to eliminate discrimination against women by any person (Art. 2).*

The UN Committee on the Elimination of Discrimination against Women, established to monitor compliance with the Convention, reviews country reports on legislative, judicial, administrative or other measures taken to implement the Convention and on progress made.

⁵ Law of the Republic of Kazakhstan of 29 June 1998 No.248 “On Accession of the Republic of Kazakhstan to the Convention on the Elimination of All Forms of Discrimination against Women”.

⁶ Adopted by Resolution 34/180 of the UN General Assembly of 18 December 1979.



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Thus, by ratifying⁷ **the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**⁸ in July 2001, Kazakhstan recognized the competence of the Committee handle complaints regarding violation of the rights set out in the Convention. In 1992, the Committee in its General Recommendation No.19⁹ on Violence against Women clarified that *discrimination against women, as defined in Article 1 of the Convention, included gender-based violence, that is “violence that is directed against a woman because she is a woman or that affects women disproportionately”, and that it constituted a violation of their human rights.*



In General Recommendation No.35¹⁰ on Gender-Based Violence against Women (2017), the Committee added that *women’s right to a life free from gender-based violence is indivisible from and interdependent on other human rights, including the rights to life, health, liberty and security of the person, equality and equal protection within the family, freedom from torture, cruel, inhumane or degrading treatment, and freedom of expression, movement, participation, assembly and association.*

Gender-based violence against women occurs in both public and private life, *including in the context of the family.*

The Committee recommends that the states should ensure *access to financial assistance, gratis or low-cost, high-quality legal aid, medical, psychosocial and counselling services, education and affordable housing for women who are victims/survivors and their family members, as necessary.*

The Committee emphasizes that *gender-based violence against women may amount to torture or cruel, inhuman or degrading treatment in certain circumstances, including in cases of rape, domestic violence or harmful practices.*

In this regard, the Committee strongly recommends that the states **take measures** to repeal all laws that prevent or deter women from reporting gender-based violence, such as guardianship laws that deprive women of legal capacity or restrict the ability of women with disabilities to

⁷ Law of the Republic of Kazakhstan of 4 July 2001 No.220 “On Ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women”.

⁸ Adopted by Resolution 54/4 of the UN General Assembly of 6 October 1999.


⁹ General Recommendation No.9 of the Committee on the Elimination of Discrimination Against Women, CEDAW/C/GC/19.


¹⁰ General Recommendation No.35 on Gender-Based Violence against Woman, updating General Recommendation No.19 of the Committee on the Elimination of Discrimination against Women, CEDAW/C/GC/35.



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testify in court, the practice of so-called “protective custody”, restrictive immigration laws that discourage women, including migrant domestic workers, from reporting such violence, and laws allowing for dual arrests in cases of domestic violence or for the prosecution of women when the perpetrator is acquitted.


In 2005, the Republic of Kazakhstan ratified **the International Covenant on Economic, Social and Cultural Rights**,¹¹  which prescribes that *the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Special protection should be provided to mothers during a reasonable period before and after childbirth (Art. 10). In addition, the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Art. 12) is recognized.*

 The **International Covenant on Civil and Political Rights** is an important source of international standards, including in the area of domestic violence.¹²

The Covenant establishes full prohibition of torture or cruel, inhuman or degrading treatment (Art. 7), and protection against any discrimination (Art.26).

In other acts (UN Millennium Declaration, Beijing Declaration), the states reaffirm their determination to combat all forms of violence against women and comply with the Convention on the Elimination of All Forms of Discrimination against Women.

Another important aspect of combating domestic violence is the protection of children’s rights. Children often witness domestic violence, including psychological violence, being at the same time victims, including passive victims.

In 1994, Kazakhstan ratified **the UN Convention on the Rights of the Child**¹³ and undertook to ensure all the rights stipulated therein. In particular, *States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect* 

¹¹ Law of the Republic of Kazakhstan of 21 November 2005 No.87 “On Ratification of the International Covenant on Economic, Social and Cultural Rights”.

¹² Law of the Republic of Kazakhstan of 28 November 2005 No.91 “On Ratification of the International Covenant on Civil and Political Rights”.

¹³ https://www.un.org/ru/documents/decl_conv/conventions/childcon.shtml.




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or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child (Art.19).


The above-mentioned international acts are the basis for Kazakhstan to take measures to combat domestic violence both by virtue of recognition (**ratification**) or accession, and membership in the United Nations.


In addition to international standards of combating family and domestic violence, there are also regional instruments.

 A more comprehensive package of measures and instruments to combat domestic violence is provided by the **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**.

In the Istanbul Convention, “domestic violence” means “*all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim*” (Art.3).¹⁴

By mandating prosecution, the Convention defines and prohibits a wide range of violent acts against women, including by family members or a partner, emphasizes prosecution of the aggressor, and obliges parties to take measures to change behavioral patterns and practices at the national level.

In the **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**, states  have determined that *within the national legislation they should promote effective measures against perpetrators to prevent or minimize the risks of offences of a sexual nature against children* (Art.25).

 An interesting document adopted in 1994 by the countries of the Organization of American States is the so-called **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women**, also known as the Convention of Belém do Pará.¹⁵ The Convention prescribes to take measures to prevent, investigate and punish acts of violence against women and contains detailed obligations for the states. *Violence against women shall be understood as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere* (Art.1).

¹⁴ <https://rm.coe.int/168046253f>.

¹⁵ <https://www.oas.org/juridico/english/treaties/a-61.html>.



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The Convention also refers to circumstances of possible violence that *may occur within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse (Art.2).*

The states undertake to *include in their domestic legislation penal, civil, administrative and any other type of provisions that may be needed to prevent, punish and eradicate violence against women and to adopt appropriate administrative measures where necessary (Art.7).*

The international standards referred to in this report are basic human rights recommendations in the context of combating domestic violence that must be respected by ratifying states.

By becoming a party to international treaties, countries assume international obligations to respect, protect and fulfill human rights.¹⁶ All this imposes a special responsibility in the international legal space.

In this regard, our Constitution declares that international treaties ratified by the Republic take precedence over its laws.

Therefore, these international acts pay special attention to the protection of family members, primarily women and children, from violence by their relatives. We believe that other international recommendations and standards enshrined in other regional agreements should be taken into account by the legislature in improving domestic legislation.

International standards against domestic violence play an important role in protecting human rights and creating a safe and equitable environment for everyone.

¹⁶ Foundation of International Human Rights Law, <https://www.un.org/ru/about-us/udhr/foundation-of-international-human-rights-law>.



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2. FAMILY AND DOMESTIC CRIME SITUATION IN KAZAKHSTAN



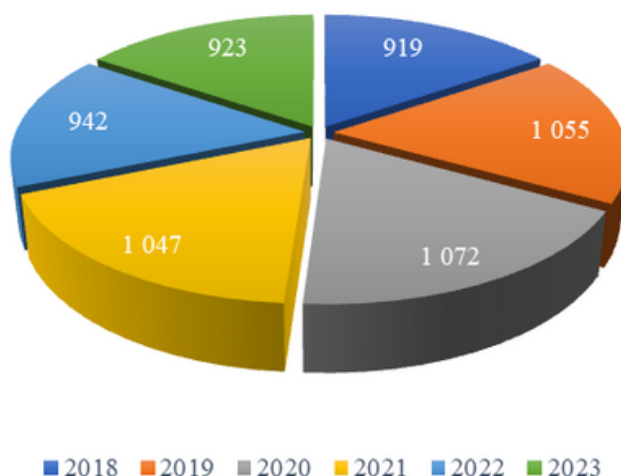
¹⁷

Criminal offences

According to the statistical data of the report on form No.1-M “On registered criminal offenses”, as well as the information of the Committee on Legal Statistics and Special Accounts of the General Prosecutor’s Office of the RK, **5,958** criminal offenses were committed in

the family and domestic sphere in 2018-2023.

Chart 1. Criminal offences in 2018-2023



The highest number (**1,072**) of criminal offenses in the family and domestic sphere was recorded in 2020.

There was a slight but steady **increase in criminal offenses** by **16.6%** between 2018 and 2020, and a **decrease** (from 1,072 to 923) by **13.8%** between 2020 and 2023.

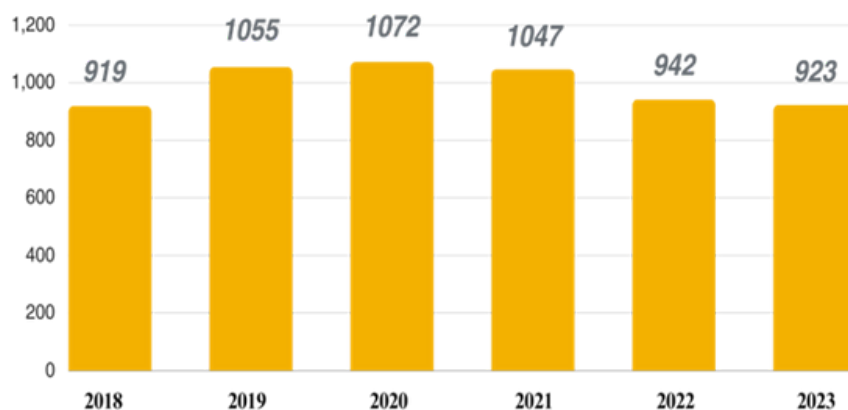
In 2023, the number of criminal offenses remained nearly the same as in 2022 (2022 – 942, 2023 – 923).

¹⁷ Image: golos-naroda.kz.



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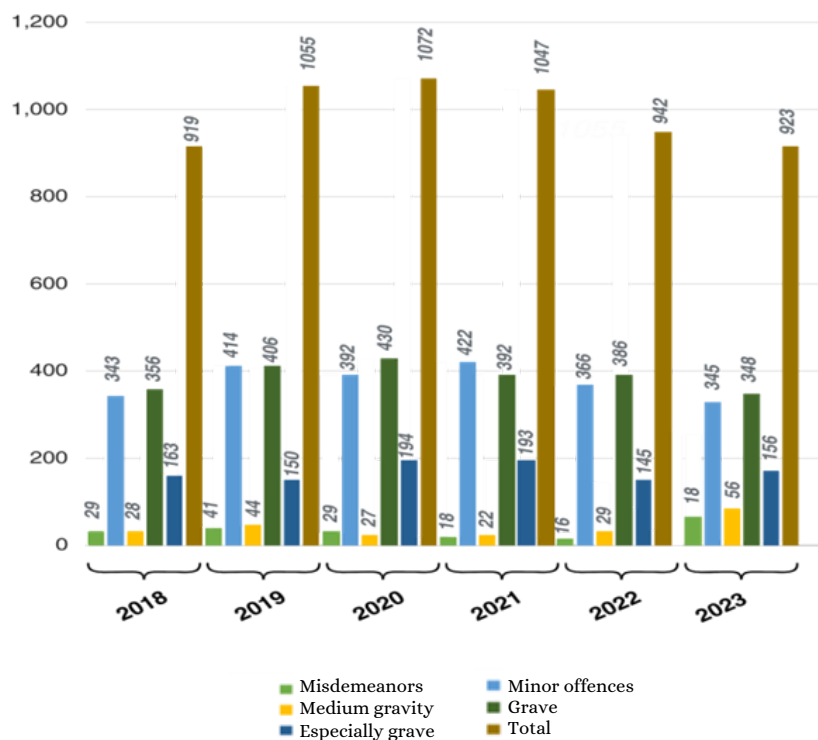
Chart 2. Dynamics of criminal offences



Crime categories

Compared to 2022, 2023 shows a **slight increase** in misdemeanors from **16** to **18** (12%) and a **significant increase** in medium-gravity crimes from **29** to **56** (93%). No major changes were recorded for the other categories of crimes.

Chart 3. Categories of criminal offences

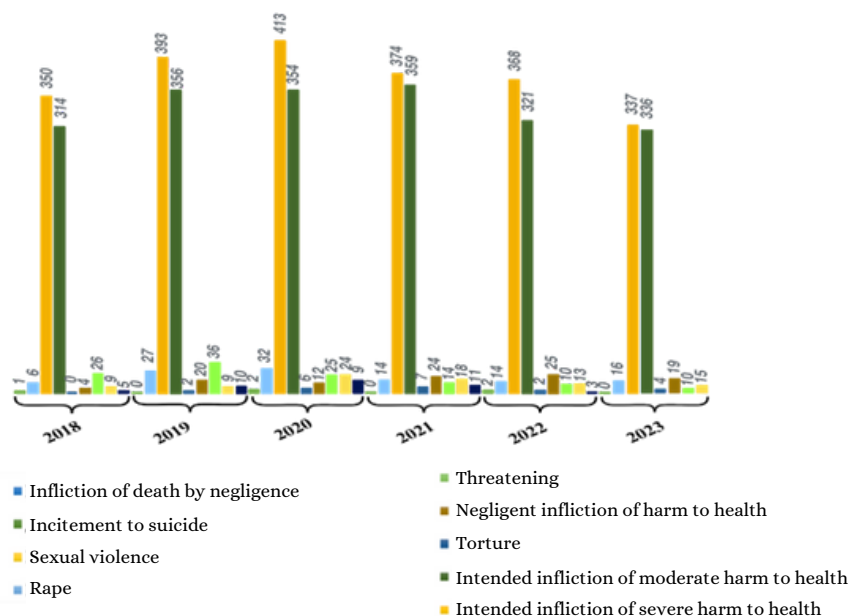




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Corpus delicti

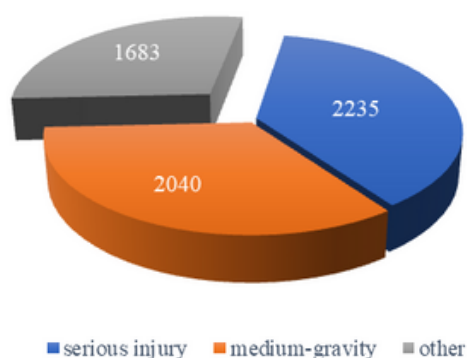
Chart 4. Corpus delicti of criminal offences



Infliction of harm to health

The analysis of statistical data for 2018-2023 shows that the majority of cases in the family and domestic sphere are related to the infliction of serious (Art. 106 CC) and medium-gravity injury to health (Art. 107 CC) (37.5% and 34% of the total crimes, respectively).

Chart 5. Share of criminal offences



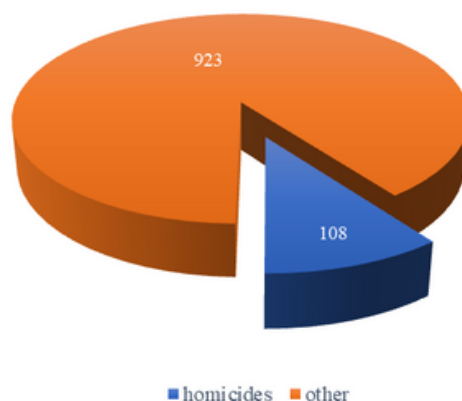
Homicides

In 2023, a total of **108** homicides or 11% of the total number of crimes in the same area were committed in the family and domestic sphere.



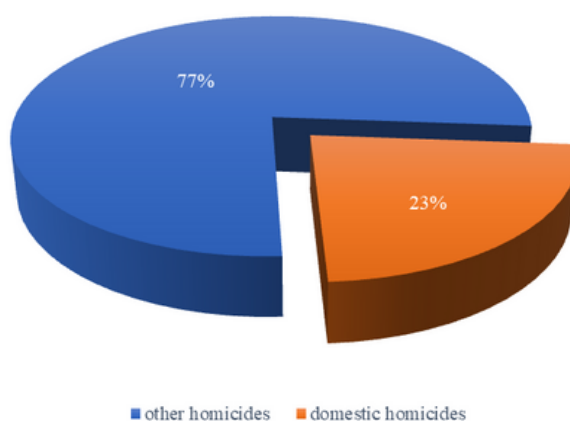
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Chart 6. Share of homicides in the total amount of crimes in domestic sphere



The same 108 homicides in 2023 account for **23%** of the total homicides in the country, i.e. every 4th homicide in Kazakhstan is committed in the domestic sphere and approximately every 3 days a person dies from domestic violence.

Chart 7. Share of domestic homicides in the total amount of homicides

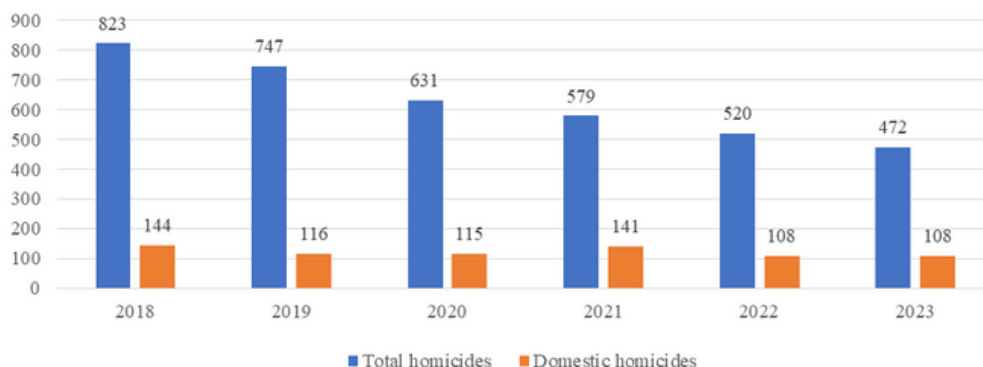


Despite a **significant decrease** in the total number of homicides over the past 6 years - by 43% or almost by half (823 in 2018 and 472 in 2023), **domestic homicides** remain approximately **at the same level**.



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Chart 8. Ratio of total homicides and domestic homicides



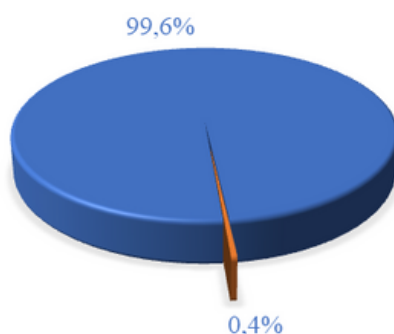
Amid the noteworthy results of the general decrease in homicide statistics, this circumstance points to the lack of effectiveness in preventing domestic homicides.

Apparently, this is why society has recently begun to formulate a demand for tightening legislation and respond to each episode of alleged causing of death in domestic sphere.¹⁸

Torture

“Torture” (Art. 110 CC) and “incitement to suicide (Art. 105 CC) articles in the context of domestic violence are applied quite rarely (only 26 cases in 2018-2023).

Chart 9. Share of suicide and torture in domestic crimes



Torture is the infliction of physical or mental suffering through systematic battery or other violent actions, if such act has not caused serious or medium-gravity harm to health.

We believe that for the effective application of this norm it is necessary to legally define the concept of “systematic”, for example, committing such actions more than twice in a certain period of time.

¹⁸ https://tengrinews.kz/kazakhstan_news/saltanat-pyitalas-uyti-bishimbaeva-nazyivala-tiranom-samal-516795/.



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Such changes would be fully consistent with the international principle of predictability of the criminal law, promote fairness and prevent potential complaints against prosecution for torture.

It should be noted that law enforcement agencies have discussed the option of criminalizing domestic violence by bringing to criminal responsibility for torture a person who has been previously subjected to administrative sanctions two or more times.

In general, such an option, in our opinion, could significantly improve work effectiveness in this area, ensuring the inevitability of punishment of recidivists, which, in turn, is a type of prevention.

However, such criminalization is actually based on administrative prejudice, the scientific and legal impeccability of which is questioned by some experts.¹⁹

Meanwhile, we do not find this a big problem, because in many developed countries administrative (in the classic sense of post-Soviet countries) responsibility does not exist at all.

In general, however, I believe that it does not make a big difference to a society how persistent domestic abusers should be prosecuted – through criminal, administrative or civil law; what is important for people is that government measures fully protect the victim of domestic violence, including through adequate (i.e. meeting international principles of timeliness, reasonableness and proportionality) punishment of perpetrators.

The problem, on the one hand, is aggravated by the fact that with the criminalization and decriminalization of domestic violence, as detailed in the brief historical discourse in Section 3 (see below), the type of crime under review immediately reacts to tightening or mitigation.

The following example is provided to prove this.

Before the criminalization of domestic violence in 2015, there were almost 300 homicides per year in this sphere.

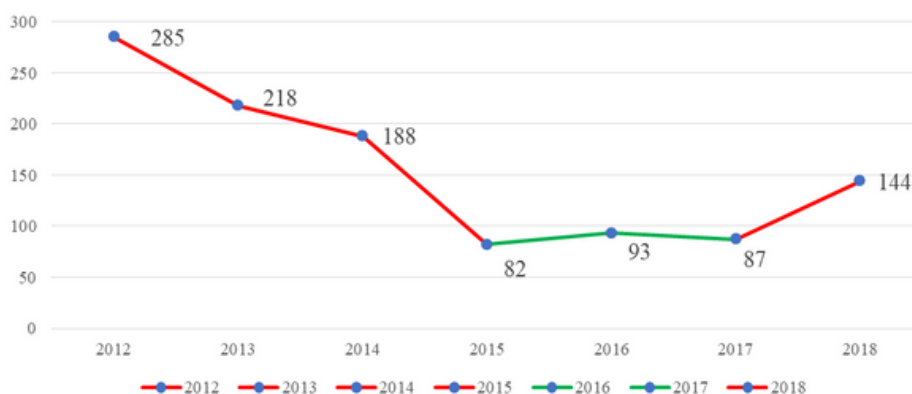
After the criminalization of domestic violence for 3 years in 2015-2017, the number of homicides decreased by a half to a third (see the chart below).

¹⁹ [https:// cyberleninka.ru/article/n/administrativnaya-preyuditsiya - kak-sredstvo-preduprezhdeniya-prestupleniy-i-sovershenstvovaniya-ugolovnogo-zakonodatelstva/viewer](https://cyberleninka.ru/article/n/administrativnaya-preyuditsiya-kak-sredstvo-preduprezhdeniya-prestupleniy-i-sovershenstvovaniya-ugolovnogo-zakonodatelstva/viewer).



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Chart 10. Dynamics of domestic murders before and after criminalization



And this is despite the fact that the criminalization of 2015 was seriously criticized by the society, as the criminal procedure legislation classified the acts in question as crimes to be prosecuted in private proceedings. That is, the victim independently collects evidence of the abuser's guilt, files a complaint, initiates private prosecution in court, etc.

Actually, after this criticism, as I understand, it was decided to “return” domestic violence to the CAO.

But even under these circumstances, statistics clearly show a serious reduction in the rate of mortality in family and domestic conflicts.

It should be noted that a political decision on the need to criminalize domestic violence has been made and various options for its implementation are being discussed.

We are convinced that modern Kazakhstan society and the state in this respect are at the “point of no return”, and criminalization will be implemented in the near future.

Administrative offences

The dynamics of administrative offenses in the family and domestic sphere for the analyzed period (2018-2022) until 2023 was approximately stable – about 30-38 thousand per year.

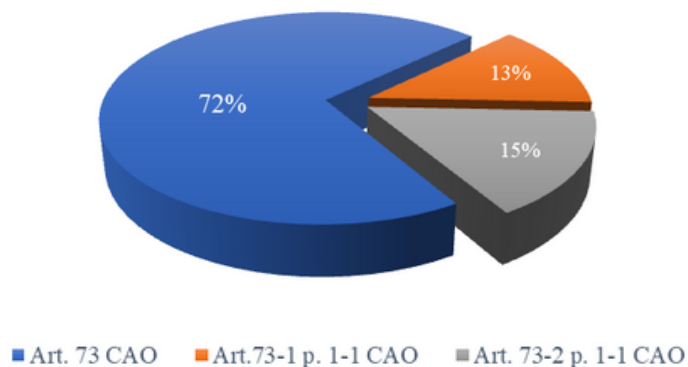
In 2023, law enforcement agencies switched from the declarative to the detecting procedure for initiating cases on administrative offenses, after which a sharp increase was recorded.

Thus, in 2023, **66,615** administrative offenses related to domestic violence were registered, of which **47,587** under Art. 73 of the Code of Administrative Offenses (**Illegal acts in the sphere of family and domestic relations**), Art. 73-1 part 1-1 of CAO (**Willful infliction of minor harm to health**) – **8,537**, Art.73-2 part 1-1 of CAO (**Battery**) – **10,491**.



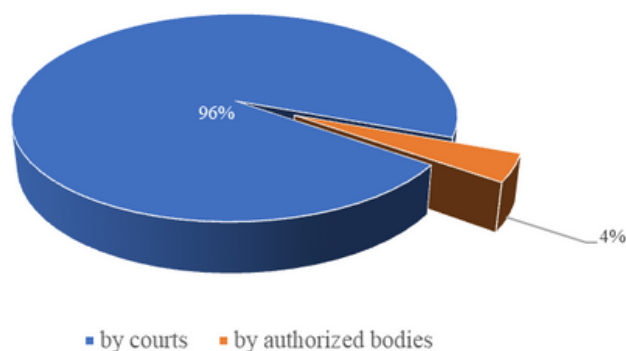
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Chart 11. Registration of administrative offences



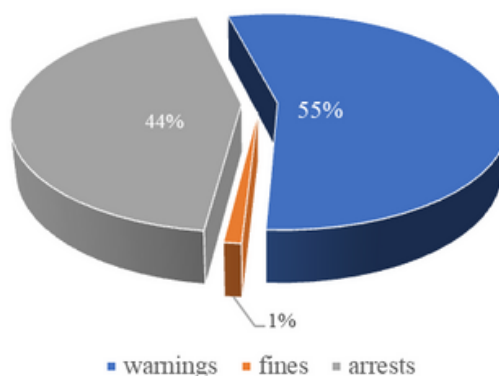
In 2023, a total of **60,852** administrative cases were considered, of which **58,311** were considered by the court and **2,541** – by authorized bodies.

Chart 12. Consideration of administrative cases



As a result of consideration, **25,237** persons were brought to responsibility with the following types of administrative penalties imposed: warnings - **13,827**, administrative arrests - **11,142** and administrative fines - **266**.

Chart 13. Administrative penalties



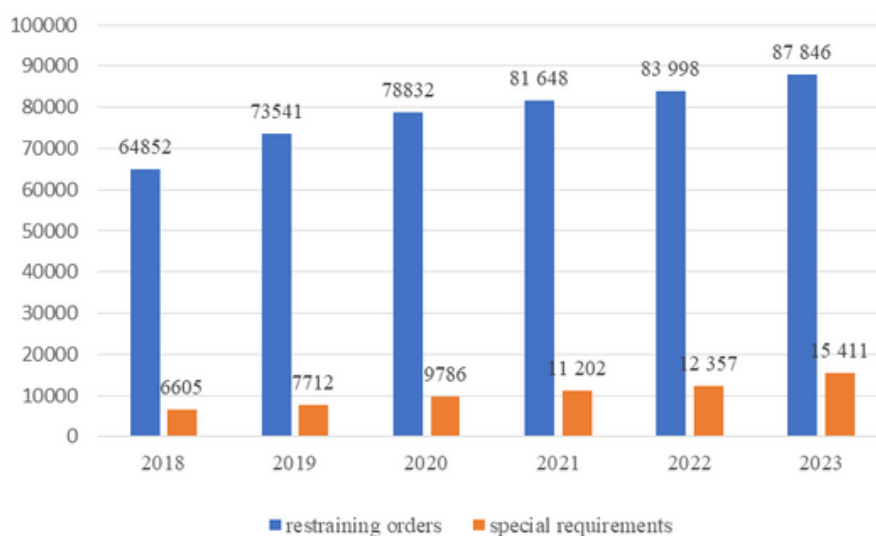


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This suggests that offenders are mainly warned administratively.

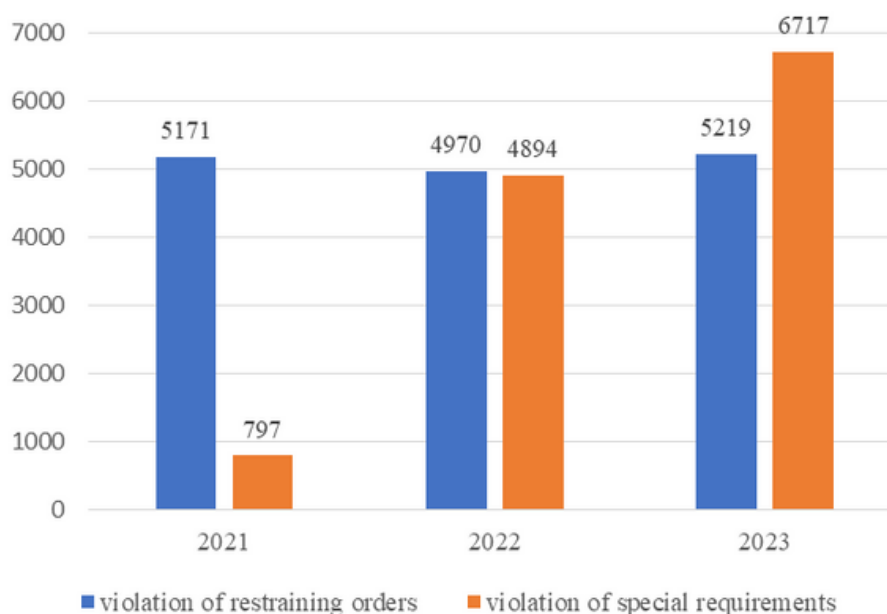
Thus, while in 2018 and 2019 the number of restraining orders was **64,852** and **73,541**, in 2021 and 2022 it was already **81,648** and **83,998**. In 2023, the number was **87,846** (increase by 35%). The number of special requirements has increased: **6,605** in 2018 and **15,411** in 2023.

Chart 14. Number of restraining orders and special requirements



In practice, protective orders and special requirements are often violated, and a significant number of repeated offenses is registered.

Chart 15. Violations of restraining orders and special requirements





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The ineffectiveness of the protective orders issued is evidenced by the **annual significant increase in repeated offenses** (2021 - specific weight over 63%, 2022 - 80%, for 10 months of 2023 - 65%).

Therefore, the effectiveness of measures to suppress and prevent domestic violence is only 35% (in 2021 - 37%, in 2022 - 20%), in other cases unlawful acts are committed repeatedly, turn into battery or infliction of minor harm to health.

As court practice under Article 73 of the CAO shows, the establishment of special requirements for the behavior of the offender in accordance with Article 54 of the CAO in **90%** of cases is associated with the use of alcoholic beverages, narcotic drugs and psychotropic substances.

Due to the absence of other housing of the perpetrator, the prohibition to live in the house together with the victim is applied to less than **1%** of persons in relation to alcohol or drug abusers.

In fact, up to 90% of administrative and legal measures are taken to prohibit the use of alcoholic beverages and narcotic drugs (out of the total number of measures taken under Part 1 of Article 73 of the CAO - 86%, under Part 2 of Article 73 of the CAO - 89%, under Part 3 of Article 73 of the CAO - 92%, under Article 73-1 of the CAO - 50%, under Article 73-2 of the CAO - 59%).

Police officers in all cases cannot ensure and control the real enforcement of this prohibition, and its violation can be detected only in the case of receiving an application from the affected person.²⁰

The court may prohibit a domestic abuser from living together in an individual house, apartment or other dwelling with the victim (does not exceed 1% of the applicable measures) **only for 30 days**.

In practice, this period is extended by the court, but the mechanism for its extension is not regulated in the CAO.

Thus, victims of violence most often stay in the house with alcohol abusers or leave the house themselves.

Victims of domestic violence leave the apartment together with children for another district to relatives, crisis centers, facing difficulties with transportation or changing the usual school, kindergarten, polyclinic, etc., which undermines the interests of children and women.

In this regard, **a reverse practice is needed, whereby abusers should be placed in crisis centers**, with whom work should be carried out to prevent future family violence.

²⁰ Analysis of statistical data on the offences related to domestic violence in Kazakhstan for 10 months 2023 // Committee for Legal Statistics and Special Accounts of the General Prosecutor's Office of the RK.



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At the same time, none of the statistics pay attention to the number of male victims of domestic violence. According to information from the Committee of Administrative Police of the Ministry of Internal Affairs of the Republic of Kazakhstan (*hereinafter – CAP MIA) МБД*), about 40-45% of men become victims of violence.²¹

However, it is not possible to determine the reasons why men became victims (*as a result of violence on the part of women or as a result of domestic tyranny*).

On the one hand, the dynamics of the growth of crimes against men may indicate the urgency of the problem, in which case it deserves separate attention, and on the other hand, if a woman kills a man because of systematic violence, it confirms the need to improve the state family policy.

All this confirms that violence still exists, and the protection and prevention measures applied do not ensure adequate safety for the victim.

The internal affairs agencies are currently introducing legislative initiatives to make it compulsory for abusers to undergo psycho-corrective training, to restrict cohabitation with victims of violence, impose punishment in the form of community service, and carry out activities aimed to strengthen family values.²²

We would like to believe that these initiatives of the Ministry of Internal Affairs will be taken into account by the legislative body and will allow to solve the above-mentioned problems and improve the statistics on domestic offenses.

²¹ Almost half of victims of domestic violence in Kazakhstan are men // <https://orda.kz/pochti-polovina-zhertv-domashnego-nasilija-v-kazahstane-muzhchiny/>.

²² Compilation of materials from the International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions” (23-24 November 2023, Astana) // <https://www.gov.kz/memleket/entities/ombudsman/documents/details/585554?lang=ru>.



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3. NATIONAL LEGISLATION IN THE SPHERE OF COMBATING DOMESTIC VIOLENCE



According to the Constitution of the Republic of Kazakhstan, **no one shall be subjected to violence** (Art.17).

The issues of preventing and counteracting domestic violence are reflected in the special Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence”, adopted in 2009, which defines the

legal, economic, social and organizational basis for the activities of government and other bodies and citizens of Kazakhstan on the prevention of domestic violence.

Before the adoption of the Law, the Code of Administrative Offenses of 2001 provided for liability for offenses against the person and in the sphere of family and domestic relations (Art.79-5 **Illegal acts in the sphere of domestic relations**).

It is important to note that the CAO 2001, unlike the current CAO, did not provide for special liability for battery (Art.79-1), infliction of harm to health in the hit of passion (Art.79-2), infliction of harm to health (Art.79-3), committed against a person who is in family and domestic relations with the offender.

In the Law of the RK “On the Prevention of Domestic Violence” of 2009, for the first time “domestic violence” was defined as a deliberate unlawful act (**action or inaction**) of one person in the sphere of family and domestic relations against another (others), causing or containing a threat of causing physical and mental suffering.

Domestic violence may be expressed in the form of physical, psychological, sexual and/or economic violence.

Physical violence includes deliberate infliction of harm to health by force and with infliction of physical pain.

Psychological violence is the deliberate mental impact on a person, degrading treatment through threats, insults, blackmail or coercion (**compulsion**) to commit offenses or acts that are dangerous to life or health, as well as leading to a violation of mental, physical and personal development.

Sexual violence is a deliberate unlawful act against sexual inviolability or sexual freedom of a person, as well as acts of a sexual nature against minors.



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Economic violence is the deliberate deprivation of a person of housing, food, clothing, property, or funds to which he or she has a legal right.

Once again, we emphasize that sexual violence²³ is an intentional unlawful act. While in the formulation of other types of domestic violence there is no provision on the unlawful nature. This attribute in the definition of “violence” distinguishes it from the lawful use of physical force on a person, for example, in justifiable defense, etc.

According to Article 4 of the Law of the RK “On Prevention of Domestic Violence”, economic violence is a deliberate deprivation of a person of housing, food, clothing, property, means to which he/she has a statutory right. However, we believe that violence can be referred to as deprivation of a person of basic necessities, including not only food, clothing, property, but also medicines and medical products. Concretization of the definition of “economic violence” is necessary not so much to increase the list of items that a victim of domestic violence can be deprived of, but to exclude the possibility of falling under economic violence of cases not related to it. For example, parents prohibiting their children from eating unhealthy or excessive food.

This fact is also true for other types of violence, for example, psychological violence, which is defined in paragraph 3, Article 4 of the Law of the RK “On the Prevention of Domestic Violence”. One of the characteristics of psychological violence under the law is “intentional mental impact on a person”. However, the category of “intentional mental impact on a person” can be understood quite broadly. We believe that if desired, some types of parental influence on children for educational purposes can be interpreted as psychological violence. At the same time, drawing the line between educational action and psychological violence is quite difficult. For example, a strict remark to a child may be interpreted by some individuals as a deliberate impact on the psyche of a person, and, therefore, as psychological violence.

Therefore, any life situation can be subsumed under one of the types of domestic violence. In this regard, we believe it is advisable to revise the definition of types of domestic violence to exclude their different interpretations.

The Law of the RK “On the Prevention of Domestic Violence” defines measures of individual prevention. Thus, according to Article 17 of the Law, such measures are applied for systematic targeted impact on the legal

²³ Paragraph 4, Article 4 of the Law of the RK “On the Prevention of Domestic Violence”.



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consciousness and behavior of a person who committed domestic violence in order to prevent him from committing new offenses and ensure safety for the victim.

However, not only the Law of the RK “On Prevention of Domestic Violence” establishes the measures of individual prevention. In accordance with Article 23 of the Law of the RK “On the Prevention of Offenses”, measures of individual prevention of offenses are applied for systematic targeted impact on legal consciousness and behavior of a person or a limited number of persons in order to prevent them from committing offenses, as well as to eliminate the causes and conditions contributing to their commission.

As we can see, there are differences between the two definitions in different laws. At the same time, it is not clear why it is impossible to influence the legal consciousness and behavior of more than one person as part of domestic violence prevention. Moreover, the wording “elimination of causes and conditions contributing to the commission of offenses” is also not included in the measures of individual prevention of domestic violence as in the general definition of the category of “measures of individual prevention of offenses”. Whereas the definition of “prevention of domestic violence” in subparagraph 4 of Article 1 of the Law of RK “On the Prevention of Domestic Violence” refers not only to the elimination, but also to the identification of causes and conditions for the commission of offenses.

According to the Law of the RK “On the Prevention of Domestic Violence”, relations arising in the application of measures to prevent domestic violence shall be regulated in accordance with the legislation of the RK on the prevention of offenses, taking into account the peculiarities established by the Chapter 3 of the Law.

Therefore, Chapter 3 should not duplicate the Law of the RK “On the Prevention of Offenses”, but establish specific measures of impact that apply to family and domestic relations only.

However, the analysis of paragraph 2, Article 17 of the Law of the RK “On the Prevention of Domestic Violence” shows that seven out of ten measures of individual prevention of domestic violence duplicate measures of individual prevention of offenses provided by the Law of the RK “On the Prevention of Offenses”.

In addition, Articles 19-23 of the Law of the RK “On the Prevention of Domestic Violence” are devoted to the specification of these measures. However, such measures as bringing to internal affairs bodies, administrative penalties, deprivation and restriction of parental rights, and measures applied by court sentence are not even mentioned by reference.



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In the future, it is necessary to conduct a detailed analysis of the laws of the RK “On the Prevention of Domestic Violence”, “On the Prevention of Offences”, “On the Prevention of Juvenile Delinquency and Prevention of Child Neglect and Homelessness”, which contain duplicative provisions, and consider adoption of a single law on the prevention of offences. This will allow to establish common requirements and coordinate the work of all government authorities and organizations and other entities of prevention.

A separate section in the Law of the RK “On the Prevention of Domestic Violence” provides for the competence of domestic violence prevention entities (Government, local executive and representative bodies, Commission on Women’s Affairs and Family and Demographic Policy, Commissions on Minors’ Affairs and Protection of their Rights, internal affairs bodies, authorized bodies in the field of education, health care and social protection of the population, health care and assistance organizations). A more detailed analysis of the competences of public bodies and interagency cooperation is set out in Section 6 of this report.

Today, liability for offenses related to domestic violence is provided by the CAO and the Criminal Code.

In the context of analyzing legal instruments, it is important to outline the main points of historical changes in the legislation on liability.

Thus, in January 1998, the Criminal Code came into force, which provided for criminal liability for battery (punishment in the form of a fine of up to 100 MCIs (Monthly Calculation Index), community service from 100 to 180 hours, correctional work for up to 6 months and arrest for up to a month) and infliction of minor harm to health (punishable by a fine of 50 to 150 MCIs, community service from 180 to 240 hours, correctional work for up to a year and arrest for up to 3 months).

In December 2004, battery was “moved” to the CAO (with punishment in the form of a fine from 20 to 100 MCIs and arrest for up to 15 days).

In January 2011, amendments came into force that decriminalized intentional infliction of minor harm to health and established administrative responsibility for causing harm to health (punishable by a fine of 50 to 300 MRP and arrest for up to 45 days).

In 2015, a new Criminal Code came into force, in which articles on battery (punishable by a fine of up to 100 MCIs, community service of up to 120 hours, correctional labor, and arrest of up to 45 days) and infliction of minor harm to health (punishable by a fine of up to 200 MCIs, correctional labor, community service of up to 180 hours, and arrest of up to 60 days) reappeared.



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Since July 2017, battery and infliction of minor harm to health once again became administrative offenses (punishable by a fine of 10 MCIs and arrest up to 10 days for the first type of offence and a fine of 15 MCIs and arrest up to 15 days for the second).

Later, in 2019, amendments were made to the CAO, mitigating fines with warnings for causing minor harm to health and battery.

In addition, administrative offenses for intentional infliction of minor harm to health (Art. 73-1) and battery (Art. 73-2) were supplemented with a separate part – offences committed against a person who is in family and domestic relations with the offender.

Violation of a restraining order entails administrative liability in the form of administrative arrest for ten days²⁴ or fine.

As for the current criminal legislation, it does not separately distinguish offenses in the field of domestic violence and does not establish special responsibility.

In this regard, criminal offenses related to domestic violence have to be classified independently, based on the form of domestic violence.

Physical violence includes: murder (Art.99); intentional infliction of grievous harm to health (Art.106); intentional infliction of moderate harm to health (Art.107); psychological violence: incitement to suicide (Art.105); torture (Art.110); threat (Art.115); sexual violence: rape (Art.120); violent acts of a sexual nature (Art.121); sexual intercourse or other acts of a sexual nature with a person under the age of sixteen (Art.122); coercion to engage in intercourse, buggery, lesbianism or other acts of a sexual nature (Art.123); and corruption of minors (Art.124).

As a rule, domestic violence offences are characterized by a complex manifestation, including physical, psychological, sexual and economic violence.

Since July 2023, at the initiative of the Ministry of Internal Affairs, a number of other changes were introduced to:

- 1) transition from the declarative to the detecting order of registration of domestic offenses;
- 2) exclude the possibility of repeated reconciliation of the parties; now it will be possible to reconcile only once - in court;
- 3) strengthen administrative and criminal liability for domestic violence (the words “for up to” have been removed from the terms of arrest).

The results of the reforms carried out by the Ministry of Internal Affairs show a decrease in some offenses in 2023 compared to 2022.

In order to further improve the mechanism for counteracting domestic violence, it is necessary to develop interdepartmental cooperation between government authorities, consider creation of a single state body on family matters, and systematize and optimize legislation.

²⁴ Article 461 of the Code of the Republic of Kazakhstan “On Administrative Offences”.



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4. COMPARATIVE ANALYSIS OF MODEL AND NATIONAL LAWS ON FAMILY VIOLENCE

A UN General Assembly resolution of 1996 adopted recommendations for member states to address domestic violence (so-called [model legislation/model law](#)). The Model Law provides guidance to countries in adopting their own legislation to combat domestic violence.

The Model Law is designed to overcome shortcomings in existing criminal and civil legislation and/or to improve existing laws on domestic violence and is intended for legislative authorities and organizations advocating for the adoption of gender-specific and comprehensive legislation on domestic violence.²⁵

A number of countries have adopted their national laws on domestic violence based on the Model Law: the Law on Combating Family Violence ([Poland, 2005](#)), the Law on the Prevention of Family Violence ([Slovenia, 2008](#)), the Law on the Prevention of Domestic Violence ([Azerbaijan, 2010](#)), and the Domestic Violence, Crime and Victims of Crime Act adopted in the United Kingdom in 2004.

The Model Law is aimed to criminalize domestic violence, establish norms to prevent domestic violence and protect the victims, including through the creation of special services and centers, special training for law enforcement officers, social and health workers, and all those who meet with victims of domestic violence in the course of their duties.²⁶

The model legislation defines the main objectives of the law on domestic violence, the mechanism for victims to file a complaint, their rights, the procedure for applying and issuing a restraining order, and measures to provide assistance to victims. It contains recommendations on the clear regulation in legislation of the actions of all government bodies and public organizations involved in the prevention of domestic violence against women, and on measures of a social nature implemented by state social service agencies.

Special provisions on combating domestic violence in our country are contained in the Law on the Prevention of Domestic Violence adopted in December 2009 ([hereinafter – the Law](#)). Different amendments were made to the Law several times (2013, 2014, 2015, 2017, 2018, 2021, and 2023).

²⁵ Preamble to the Model Law on Family Violence, UN Recommendation adopted by Resolution of the UN General Assembly in 1996.

²⁶ Domestic violence: socio-legal aspect//Guidance/E. Yershova, 2013.



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Basic definitions

In defining the concept of “domestic violence”, the model legislation practically contains an exhaustive list of acts and defines under this concept all violent acts of a physical, psychological and sexual nature against women, committed on the basis of gender, by a person or persons who are related to them by family and close relationships, from verbal abuse and threats to severe physical battery, kidnapping, threats of injury, intimidation, coercion, stalking, verbal abuse, violent or unlawful home invasion, arson, destruction of property, sexual violence, marital rape, dowry or bride price violence, genital mutilation, violence related to exploitation through prostitution, violence against domestic workers, and attempts to commit such acts.

The national legislation defines “domestic violence” as an intentional unlawful act (**action or omission**) of one person in the sphere of family and household relations against another (others), causing or containing a threat of causing physical and (or) mental suffering.²⁷

In this context, it should be noted that the Model Law, in comparison with the national Law, in a more comprehensive way defines acts considered as family or domestic violence, which is certainly necessary in modern times.

We are talking, in particular, about such acts as stalking, intimidation, violent home invasion(**if it is joint ownership**), violence related to dowry or bride price, which according to the national legislation is quite difficult to qualify as domestic violence. This is also aggravated by the lack of special responsibility for such acts.

Subjects of family and domestic relations

Based on the provisions of the Model Law, it is assumed that the following categories of persons should be included in the scope of the law on domestic violence: wives, cohabiting partners, former wives or partners, persons in cohabitation, including those who do not live in the same house, female relatives (**including but not limited to sisters, daughters, mothers**), domestic workers and members of their families.

The Law of the RK through the definition of “family and domestic relations” identifies the persons falling under this concept: spouses, former spouses, persons who live or have lived together, close relatives, persons having a common child (**children**).

²⁷ Subparagraph 3) Article 1 of the Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence”.



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Compared to the Model Law, the national Law does not take into account female relatives (mother-in-law, wife's grandmother) as potential victims of domestic violence, although for our realities, living of such persons as nieces in the same house is a common phenomenon.

It should be noted that the Model Law also qualifies violence against domestic workers as domestic violence, while our Law regulates family and domestic relations between spouses, former spouses, persons who live (have lived) together, close relatives, and persons having a common child (children).

It should be understood that domestic workers, by virtue of a certain length of service to a particular family, build a sufficiently trusting relationship with them, which many understand as kinship.

Accordingly, in this respect, the Law does not contain guarantees of protection for domestic workers, who often also become victims of unlawful acts on the part of the employer (members of the family for whom they work).

Measures to respond to domestic violence

When a fact of domestic violence is reported, the Model Law requires police authorities to issue an emergency temporary restraining order, which is a preliminary injunction against further violence and/or a warning to the offender/defendant not to stalk the victim of violence.²⁸

In this regard, the domestic Law contains such measure of individual prevention as the issuance of a restraining order by internal affairs bodies²⁹ for a period of 30 days and in the absence of grounds for administrative detention or detention under the criminal procedure law of the Republic of Kazakhstan.

This preventive measure is applied in order to ensure safety of the victim against a sane person who has reached the age of sixteen, who has committed domestic violence or who is at risk of committing it.³⁰

The Model Law provides that the consequence of disobeying an emergency restraining order is charging with contempt of court, a fine and imprisonment.³¹

Under our legislation, violation of a restraining order is punishable under the CAO.³²

²⁸ Paragraph A, Section 4, Model Law on Family Violence, UN Recommendation adopted by Resolution of the UN General Assembly in 1996.

²⁹ Subparagraph 10), Article 10 of the Law of the Republic of Kazakhstan "On the Prevention of Domestic Violence".

³⁰ Article 20 of the Law of the Republic of Kazakhstan "On the Prevention of Domestic Violence".

³¹ Subparagraph 5, paragraph A, Section 4, Model Law on Family Violence, UN Recommendation adopted by Resolution of the UN General Assembly in 1996.

³² Article 461 of the Code of the Republic of Kazakhstan on Administrative.



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Moreover, in order to ensure safety of the victim, the national court may establish special requirements for the behavior of the perpetrator of domestic violence (against the will of the victim to search for, stalk, visit, conduct verbal, telephone conversations and otherwise contact with him/her, including minors and (or) incapable members of his/her family; to acquire, store, carry and use firearms and other types of weapons; non-medical use of psychoactive substances).³³

Establishing special requirements for the behavior of an offender is a measure of administrative-legal impact and is applied both along with the imposition of an administrative penalty and instead of it when a person is released from administrative responsibility.³⁴

Provision of assistance

Assistance to affected persons/survivors of domestic violence deserves special attention.

The Model Law specifies that the state must provide emergency assistance, which includes:³⁵

- crisis services within 72 hours;
- immediate transportation from the victim's home to a medical center or shelter;
- emergency legal counseling and further referral to appropriate authorities;
- crisis counseling to provide support and reassurance of safety;
- confidentiality in the treatment of victims of violence and their families.

At the same time, the state should provide non-emergency assistance that includes:³⁶

- providing long-term rehabilitation services for victims of domestic violence through a system of counseling, retraining and adaptation in employment and assistance in child care;
- providing long-term behavioral correction services for perpetrators of violence through a system of counseling;
- special programs on domestic violence, carried out independently from social assistance programs;

³³ Paragraph 1, Article 22 of the Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence”.

³⁴ Paragraph 2, Article 22 of the Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence”.

³⁵ Paragraph A, Section 7, Model Law on Family Violence, UN Recommendation adopted by Resolution of the UN General Assembly in 1996.

³⁶ Paragraph B, Section 7, Model Law on Family Violence, UN Recommendation adopted by Resolution of the UN General Assembly in 1996.



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- ensuring cooperation and coordination of public, community and private services and programs at the federal and local levels.

The national Law contains several general provisions in this regard. Thus, a victim recognized in accordance with the procedure established by law as a person in need of special social services shall be provided with such services.³⁷ Special social services include a guaranteed scope and paid services.

The special Law does not contain a comprehensive list of such services. Victims of domestic violence in this regard remain unaware of the state guarantees of assistance.

The Model Law requires the state to provide training for counselors to assist the police, the court, victims of domestic violence and perpetrators of violence. The law should also provide, but not mandate, counseling for victims of violence. Counseling is free of charge and is intended to help the victim of violence to become empowered, to facilitate the development of short- and long-term strategies of protection from violence and restore normal way of life.

The specific scope of assistance can be seen in the Standard for the Provision of Special Social Services for Victims of Domestic Violence in the Field of Social Protection of Population, approved by the authorized body.³⁸ These include: socio-domestic, socio-medical, socio-psychological, socio-pedagogical, socio-labor, socio-cultural, socio-economic, socio-legal services.

In general, the current Law is of a framework nature, which so far takes into account only the main recommendations of the Model Act. At the same time, provisions on the subjects of family and domestic relations, the list of special social services, the training of the staff of entities of combating domestic violence, and the preventive focus of measures to combat domestic violence require improvement.

Thus, changes and crisis phenomena in the socio-economic sphere, criminalization of certain aspects of social relations, new factors causing domestic offences require constant monitoring and improvement of legal acts in the sphere of combating domestic violence for compliance with the model legislation and international standards.

³⁷ Paragraph 1, Article 5 of the Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence”.

³⁸ Order of the Deputy Prime-Minister – Minister of Labor and Social Protection of Population of the Republic of Kazakhstan – of 29 June 2023 No.623 “On the Approval of Standards for the Provision of Special Social Services in the Sphere of Social Protection of Population”/Appendix 6.



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5. SYSTEM OF REHABILITATION OF VICTIMS AND RE-SOCIALIZATION OF ABUSERS IN KAZAKHSTAN

According to the Social Code of the Republic of Kazakhstan,^{[1]³⁹} local executive bodies of regions, cities of republican significance and the capital city ensure the implementation of state policy in the sphere of social protection, including through the establishment and operation of entities providing special social services within their jurisdiction.

Such services are provided to a victim recognized in accordance with the procedure established by law as a person in need of special social services^[2].

The grounds for classifying persons as victims of ill treatment resulting in social deadaptation and social deprivation are determined by the relevant Criteria approved by the joint order of the authorized bodies^[3].

Identification of the person who applied shall be carried out by the entity providing services together with the authorized body. In case of detection by internal affairs bodies of an offense in the sphere of domestic violence, identification of the person shall be carried out by internal affairs bodies together with the entity providing special social services and the authorized body. In case a person is identified by health care or education organizations, the internal affairs bodies shall be notified.

If the applicant is not identified as a victim of domestic violence, the provision of special social services is denied.

In order to receive services, a person must reach the limit indicators of assessment of the presence of inhuman treatment in domestic violence, which are measured in points.

A person is recognized as a victim as a result of acts related to domestic violence if the sum of points on one of the blocks is 5 or more.

According to the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan,^{[4]⁴²} special social services to victims of domestic violence in the country are provided by 46 crisis centers, 15 of which are government-owned and 31 are non-governmental. In 2022, the number of centers was 42.

³⁹ Subparagraph 13), Article 18 of the Social Code of the Republic of Kazakhstan.

⁴⁰ Paragraph 1, Article 15 of the Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence.”

⁴¹ Joint order of the Minister of Internal Affairs of the Republic of Kazakhstan of 30 June 2023 No.528, Minister of Health of the Republic of Kazakhstan of 1 July 2023 No.123, Deputy Prime-Minister – Minister of Labor and Social protection of Population of the Republic of Kazakhstan of 30 June 2023 No.271 and Minister of Education of the Republic of Kazakhstan of 30 June 2023 No.190. Registered with the Ministry of Justice of the Republic of Kazakhstan of 1 July 2023 No.33002 “On the Approval of the Criteria for the Assessment of the Presence of Inhuman Treatment Causing Social Deadaptation and Social Deprivation”.

⁴² <https://inbusiness.kz/ru/news/mintruda-predlagaet-vklyuchit-zhertv-bytovogo-nasiliya-v-prioritetnyu-gruppu-mestnyh-socprogramm>.



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Maintenance of the centers is carried out from the local budgets. The volume of allocated funds in 2023 amounted to 2,282.7 million tenge.⁴⁴ Services to victims in the centers are provided 24/7 for up to 6 months or six hours a day during the day time.

Table 1. Funding for crisis centers⁴⁵

Region	Funding for crisis centers				Maintenance per person			
	2020	2021	2022	2023	2020	2021	2022	2023
Astana city	103000,0	98000,0	124462,0	230732,0	3 987	3 243	6735	8 933
Almaty city	105918,0	111610,0	107617,0	209078,0	7 688	7 165	8152	15 177
Shymkent city	39731,0	66284,0	38705,0	117472,0	3230	8 369	2094	9 551
Akmola	54331,0	71816,0	80918,0	85543,0	2 453	4 317	3331	3 600
Aktobe	46886,0	54565,0	67605,0	137407,0	3 811	4 436	6402	7 930
Abay	0,0	0,0	0,0	75186,0	0	0	0	12 225
Almaty	52109,0	49840,0	23300,0	72784,0	4 236	4 052	2521	5 514
Atyrau	17009,0	17009,0	19900,0	33837,0	3457	3 457	3768	6409
East-Kazakhstan	18548,0	16586,0	9475,0	23238,0	4 188	3 745	2990	5 248
Zhambyl	93146,0	90119,0	119904,0	245743,0	14 024	11771	10813	19 281
Zhetysay	0,0	0,0	0,0	87540,0	0	0	0	9 474
West-Kazakhstan	43353,0	43834,0	72283,0	68814,0	9 275	9 378	14 410	13 719
Karaganda	19466,0	25622,0	16145,0	60674,0	2 398	5 391	6115	4 032
Kyzylorda	59520,0	56593,0	59423,0	62394,0	6 048	3 828	5627	5 909
Kostanay	11399,0	28803,0	86850,0	106953,0	1 287	1 672	6579	6 211
Mangistau	42919,0	43742,0	38671,0	56699,4	4 984	5 080	7324	6 585
Pavlodar	106151,0	106423,0	112664,0	221056,0	4 794	4 806	5334	9 304
North-Kazakhstan	24418,0	28469,0	28765,0	10007,0	4 963	5 391	5447	6775
Turkistan	5440,0	7124,0	74009,0	80680,0	1 474	5 606	6 559	6 112
Ulytau	0,0	0,0	0,0	16200,0	0	0	0	1 534
Total	843344,0	916439,0	1080696,0	2002037,4	2 897	4 831	5904	8 386

⁴³ Image: https://gender.stat.gov.kz/page/frontend/detail?id=94&slug=-79&cat_id=4&lang=ru.

⁴⁴ Compilation of materials from the International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions” (23-24 November 2023, Astana) // <https://www.gov.kz/memleket/entities/ombudsman/documents/details/585554?lang=ru>.

⁴⁵ Data as of December 2023



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In 2023, the centers provided services to more than **4 thousand** people, of which: more than **3 thousand** people received medical care and about **1 thousand** people were employed and provided with personal documents.⁴⁶



The number of people who sought help from crisis centers in 2023 is presented in Table 2.⁴⁷

The largest number of those who applied for help for the mentioned period was in **Astana - 510, Almaty - 410, Shymkent - 358** and **Kyzylorda region - 331**.

The least number of people turned to crisis centers in **East Kazakhstan region - 90, Mangistau region - 60** and **North Kazakhstan region - 31**.

Table 2. Ratio of persons who applied to crisis centers to crimes committed

No.	Region	Number of persons who applied to crisis centers	Number of criminal offences committed	Number of administrative offences committed	Population
1.	Astana city	510	52	6 247	1 430 136
2.	Almaty city	410	35	3 296	2 228 515
3.	Shymkent city	343	34	3 534	1 222 055
4.	Kyzylorda	331	23	2 975	841 831
5.	Akmola	242	67	3 035	788 012
6.	Aktobe	297	29	4 831	939 400
7.	Abay	88	25	2 596	607 556
8.	Almaty	210	75	2 174	1 531 044
9.	Atyrau	167	26	4 183	704 078
10.	East-Kazakhstan	90	75	4 772	727 071
11.	Zhambyl	279	47	3 302	1 222 597
12.	Zhetysay	138	33	950	697 998
13.	West-Kazakhstan	140	31	2 413	693 249
14.	Karaganda	187	80	4 201	1 135 411
15.	Kostanay	263	53	4 753	829 998
16.	Mangistau	60	22	2 030	786 917
17.	Pavlodar	240	88	4 861	753 957
18.	North-Kazakhstan	31	47	2 486	530 124
19.	Turkistan	210	52	3 236	2 142 005
20.	Ulytau	150	29	740	221 592
Total:		4 386	923	66 615	20 033 546

Comparing the number of cases of domestic violence and the number of persons who received special social services, it can be concluded that the majority of victims do not receive the necessary assistance. Moreover, victims of domestic violence often do not apply to law enforcement agencies and therefore cannot be identified as victims and, as a consequence, cannot access special social services.

⁴⁶ <https://informburo.kz/stati/pomoshh-zertvam-bytovogo-nasiliya-kak-v-kazaxstane-rabotayut-krizisnye-centry>.

⁴⁷ Information from the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan.



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In our opinion, three main problems should be highlighted: work with victims is carried out ex post facto; in some regions the network of crisis centers is not developed; the location of the centers is inaccessible for the majority of victims of violence.

According to the Ministry of Internal Affairs,⁴⁸ in 2018 - 2022, the number of applications to crisis centers increased by 141.8%. Such dynamics is largely due to the explanatory work carried out among the population. Analysis of the availability of crisis centers in the regions (15 government-owned and 46 non-governmental centers for 976 beds), taking into account the regional specifics of the prevalence of offenses, indicates a shortage of shelter beds.

It is important to note that currently the country does not have a unified online platform with a list of crisis centers providing special social services to victims of domestic violence. This circumstance negatively affects the search for relevant information about such centers by victims of domestic violence or their relatives.

Thus, as a result of “manual” search of information about crisis centers and their addresses and contacts, the following list is found (Table 3):

Table 3. List of crisis centers in the country with contact details

No.	Crisis centers	Names of directors	Contact details
Astana city			
1	“Umit” crisis center	Galikhan Kukanbekov	8 (7172) 49 78 89 8 707 336 20 36 centr_07_2013@mail.ru
Almaty city			
2	1. “Zhan-Saya” crisis center 2. Non-governmental charity foundation “TeenChallenge Kazakhstan”, “Shelter” program	Zulphiya Baisakova Tamara Reshe	8 (727)267 40 78 8 (727)243 22 21 8 771 450 3 450 kzsoyuz@gmail.com kcalmaty2017@gmail.com 8(727)257 06 04 257 08 58 8777 017 61 08 Teenchal@eemail.org Refuge@mail.ru
Shymkent city			
3	Center for Special Social Services No.3, Department of Employment and Social Protection of Shymkent city	Bagdagul Baiteshova	8 702604 89 80 cr_center88@mail.ru Hotline: 8 (7525) 45 03 03 8 775 450 54 33
Akmola region			
4	1. “Omira” crisis center (Stepnogorsk) 2. “Chance” Center for Socio-Psychological Legal Support of Minors	Oxana Volkova-Mikhalskaya	8 (71645) 6 14 20 8 708 994 83 74 4-9-49@mail.ru 8 (7162) 52 48 63 8 705 519 36 15

⁴⁸ Draft Concept on the Provision of Public Safety in Partnership with Civil Society for 2024-2028.



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Kostanay region		
5	1. Shelter for special services to the victims of domestic violence, Kostanay, Kazakhstan Association for Sexual and Reproductive Health (KMPA)	<u>Nina Kostyuk</u> 8 (7142) 532235 Kost_kmpa@mail.ru
	2. Center for Resocialization of Persons in Difficult Life Situation, akimat of Arkalyk city	<u>Zhiger Zhurkadamov</u> +7 705 418 3997 adap123@mail.ru
	3. Center for Resocialization of Persons in Difficult Life Situation, Rudny City Department of Employment and Social Programs	<u>Berik Sandybayev</u> 8(71431)55343 8(707)4457474 Zentr_adap@mail.ru
	4. Crisis center for support to victims of domestic violence	<u>Oxana Yerzhanova</u> 8 777 972 36 09
	5. Family support center for providing help to persons in difficult life situation, Lissakovsk	<u>Yulia Kalyuzhnaya</u> 8 (71431) 55 343, 8 707 445 7474
Aktobe region		
6	1. "Malika" crisis center 2. Crisis center for victims of domestic violence	<u>Dinara Karabalina</u> 8 707 986 34 60 8 705 713 06 14 eco_82@mail.ru 8 705 5526094
		<u>Aipan Utezhn</u>
Zhetysay region		
7	1. Crisis center for victims of domestic violence 2. Crisis center "Taldykorgan Regional Center of Women Support"	<u>Sunkar Kadyrov</u> 8 (7282) 4118 34 8 771 771 99 91 gbntaldyk@mail.ru <u>Zhanar Nurmukhanova</u> 8 (7282) 24 46 31 8 778 0190501 womencenter@mail.ru
Mangistau region		
8	Crisis center for victims of domestic violence	- 8 (7292) 60 55 35 8 778 559 64 63 dbnaktau@mail.ru
Atyrau region		
9	Department for assistance to women subjected to domestic violence	<u>Aibarshyn Imangaliyeva</u> 8 (7122) 46 60 60 8 701 280 07 21 krcenter12@mail.ru
East-Kazakhstan region		
10	Department of socio-psychological assistance for solving crisis situations, Ust-Kamenogorsk	<u>Saniya Aubakirova</u> 8 (7232) 77 19 22 8 771 445 11 44 (hotline) 8 705 312 85 36 sentr_ulba@mail.ru
Abay region		
11	1. Center for single mothers suffering from domestic violence "Mother's Home", Semey 2. Public Fund "Family Center", Semey	<u>Ainagul Nurtazina</u> 8 777 612 96 74 <u>Lyudmila Astashkina</u> semei@dom-mamy.kz 8 747 429 23 44
West-Kazakhstan region		
12	Crisis center for victims of domestic violence, Uralsk	<u>Taishybay Zhunis</u> 8 (7112) 28 56 00 8 747 918 94 45 8 702 835 99 39 krizcentre13@mail.ru
Kyzylorda region		
13	1. "Kamkorlyk" crisis center 2. "Zhan" crisis center under the Society of Small Business Women, Kyzylorda	<u>Zhandos Tosmagambetov</u> 8 777 340 87 34 <u>Saltanat Syzdykova</u> zhandos2@mail.ru 8 (7242) 27 14 73 8 701 6644791
Zhambyl region		
14	Zhambyl regional center for social assistance to victims of domestic violence	<u>Zhamal Kalybekova</u> 8 (7262) 45 59 57 8 (7262) 45 67 83 8 708 590 96 04 8 707 463 06 23 kc2014_taraz@mail.ru 8 726 364 54 00 8 778 052 16 20



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Karaganda region			
15	Center for development and social assistance to population "My Home", Temirtau	Irina Zhdanova	8 (7213) 95 74 54 8 705 826 85 69 moidom_06022004@mail.ru
Ulytau region			
16	1. Center for socio-psychological support 2. Women support center "Tomiris" 3 Center for social support "Kamkor", Satpayev	Valentina Predeina	8 747 955 68 83 87772032291, 87102 -769710 8 777 890 59 55
Pavlodar region			
17	Crisis center for victims of domestic violence	Ainash Iliyassova	8 (7182) 54 03 03 centr_zhenshin@mail.ru 8 701 576 94 48
North-Kazakhstan region			
18	Women support center	Alina Orlova	8 (7152) 461326 8 777 5047773 alinaorlova@rambler.ru
Turkistan region			
19	1. "Komek 1" crisis center 2. Public Fund "Zhigerli Zhurek"	Malika Zhussupova Yerbol Myrzabay	8 702 640 07 08 8707 213 93 93
Almaty region			
20	Center for social support to victims of domestic violence	Raushan Alpysbayeva	8 707 811 61 71

This list should be posted at least on the official Internet resources of government bodies authorized to prevent domestic violence.

It is fair to admit that this list of crisis centers was not available on the Internet resources of the Human Rights Commissioner before this analysis. Today, it has been published on all of our resources.

It is recommended that all the state bodies, including those authorized for the prevention of domestic violence, publish this list of crisis centers of the republic on their Internet resources.

It should be noted that there is no authority to be responsible for monitoring the quality of service delivery by such organizations. The processes of service and care in non-governmental crisis centers are not regulated and are not designed for long-term activities.

As a result, the relevant government authorities do not have unified information on the number of non-governmental organizations providing special social services and other indicators of domestic violence prevention.

There are no clear unambiguous definitions of "affected person", "injured person", "victim" in the sphere of domestic violence. For example, the term "person affected" in domestic violence refers only to persons against whom violent acts were committed with registration of a criminal case or administrative offense. The term "injured person" is enshrined only in a by-law – an interdepartmental order of authorized bodies. The lack of clear terminology affects the effectiveness of response in cases of domestic violence.



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As part of studying the activities of crisis centers, there are problems related to the insufficient qualification of workers of organizations providing assistance. For this purpose, it is necessary to develop training programs and materials, conduct regular trainings, seminars and other training courses to improve legal knowledge, communication skills, interaction with authorized entities of domestic violence prevention.⁴⁹

A separate problem is payment for special social services for persons in difficult life situations, which does not meet the financial needs of permanent non-governmental crisis centers (*shelters*).

Salaries of specialists providing services in privately-owned organizations are linked to the number of service recipients living in organizations of temporary stay and residence. For example, if there are 50% of service recipients in the organization, the specialist will receive only 50% of the salary. Qualified specialists do not agree to work under such conditions.

In addition, ***there is no unified*** record of the number of persons subjected to domestic violence and are at risk of a difficult life situation; the number of services provided by organizations; the number of persons who received social support after discharge from the crisis center.⁵⁰

Resocialization of the offenders (aggressors) deserves special attention. Currently, the list of services provided by crisis centers (in accordance with the Standard) is related only to victims of domestic violence.

Working with aggressors in the country, i.e. conducting a psycho-correctional course with them, is not established by legislation, and non-governmental organizations working with them are not funded specifically for this.



For example, the Canadian methodology **ODARA** has been widely used **in Germany**.⁵¹ Reference: ODARA (Ontario Domestic Assault Risk Assessment) is an international domestic violence risk assessment tool developed in Ontario, Canada.

⁴⁹ Compilation of materials from the International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions” (23-24 November 2023, Astana) // <https://www.gov.kz/memleket/entities/ombudsman/documents/details/585554?lang=ru>.

⁵⁰ Compilation of materials from the International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions” (23-24 November 2023, Astana) // <https://www.gov.kz/memleket/entities/ombudsman/documents/details/585554?lang=ru>.

⁵¹ Image: <https://odara.waypointcentre.ca/Home/Index>.



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The resolution of cases on domestic violence is not focused on unconditional deprivation of liberty of the aggressor, but on his/her re-education and return to a full-quality life, including reconciliation with the victim and prevention of family breakdown.

The ODARA methodology (consisting of 13 questions) can be used to assess the possibility of recidivism.

The reliability of the prediction, according to the developers, is 72% and represents a scientifically validated tool. A respondent who answers at least 7 questions positively has a tendency to violence.⁵²

This tool, according to the developers, allows to predict the risks of repeated violent acts of aggressors. Since 1 March 2023, the Ministry of Internal Affairs of the Republic of Kazakhstan together with akimats in the cities of Astana, Almaty and Pavlodar has been implementing a pilot project to test the tool.

1,940 surveys have been conducted, 58 persons prone to domestic violence have been identified, of whom only 35 voluntarily agreed to undergo psycho-correctional work. They are offered to undergo trainings on restraining aggression on a voluntary basis.

The Office of the Human Rights Commissioner in Kazakhstan will continue to monitor this risk assessment system, which is of interest as one of the tools for a comprehensive solution to problems in the family and domestic sphere.

From 1 January 2023, a Digital Family Map was launched in Kazakhstan for proactive granting of state support.

The Digital Family Map is an information system that accumulates data from various government agencies.

Now, based on data from the information systems of government agencies, the Digital Family Map accumulates information on 20 million citizens of Kazakhstan, or 6.3 million families.

The Digital Family Map allows the generation and segmentation of lists of families (individuals) by their social well-being level.

Based on the Methodology for determining the level of well-being of families, their living standard is assessed.

After the assessment of a family's (person's) level of well-being, depending on the existing problems, social support is offered by government authorities.

⁵² Correction of behavior of domestic abusers started in Kazakhstan // <https://newtimes.kz/obshchestvo/177275-korrekcij-povedeniya-domashnih-tiranov-zanyalis-v-kazahstane>.



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To date, more than 777,000 notifications of entitlement to social benefits have been sent through the Digital Family Map, of which 447,000 citizens have been granted support.⁵³

Therefore, government authorities, including internal affairs bodies, carry out systematic work on rehabilitation and re-socialization. However, there are systemic problems, which include:

- 1) imperfect legislation, legal gaps in the system of social services;
- 2) lack of clearly regulated interaction between the entities of domestic violence prevention and assistance organizations, including crisis centers;
- 3) failure to regulate the mechanisms of financing crisis centers, taking into account the assessment of the real needs of service recipients and the costs of assistance organizations;
- 4) low social status and salaries of employees of assistance organizations;
- 5) lack of unified training standards for professional development of workers of assistance organizations;
- 6) lack of systematic monitoring of crisis centers' activities;
- 7) underperformance in re-socialization of offenders (**aggressors**).

⁵³ Compilation of materials from the International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions” (23-24 November 2023, Astana) // <https://www.gov.kz/memleket/entities/ombudsman/documents/details/585554?lang=ru>.



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6. NATIONAL INTERAGENCY COOPERATION IN THE SPHERE OF COMBATING DOMESTIC VIOLENCE

The Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence” defines the government authorities, local self-government bodies, organizations and citizens of the Republic of Kazakhstan who carry out prevention of domestic violence as entities of domestic violence prevention.⁵⁴

At present, there are a number of issues of effective interaction of those entities.

Chapter 2 of the Law establishes the competence of the Government of the Republic of Kazakhstan, local executive and representative bodies, the Commission on Women’s Affairs and Family and Demographic Policy, commissions on minors’ affairs and protection of their rights, internal affairs bodies, authorized bodies in the field of education, health care, health care organizations, and assistance organizations.

At the same time, the legislation **does not define a single state body** authorized to implement state policy in the area of family and domestic relations and to organize interdepartmental coordination of entities involved in combating domestic violence.

At present, the activities of state **bodies** are *limited to narrow departmental competence*, and there is no comprehensive approach, interdepartmental cooperation and personal responsibility for the final result of the work carried out.

Organization of interaction between state bodies, organizations and public associations dealing with problems of violence against women is regulated by the relevant Rules⁵⁵ approved by a resolution of the Government of the Republic of Kazakhstan in March 2001 (the latest amendments were made in February 2006).

For more than 20 years, the Rules have not undergone any particular changes, which indicates the insignificant role of this document.

On the one hand, the Rules define the range of entities involved in combating domestic violence more broadly than the special law. Thus, they additionally include the bodies of justice, labor, employment and social protection of the population, tourism and sports.⁵⁶

⁵⁴ Subparagraph 5), Article 1 of the Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence”.

⁵⁵ Resolution of the Government of the Republic of Kazakhstan of 12 March 2001 No.346 “On Organizing Interaction of Government Authorities, Organizations and Public Associations Engaged in the Problems of Violence Against Women”.

⁵⁶ Subparagraph 6), paragraph 1 of the Rules for Organizing Interaction of Government Authorities, Organizations and Public Associations Engaged in the Problems of Violence Against Women approved by Resolution of the Government of the Republic of Kazakhstan of 12 March 2001 No.346.



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On the other hand, the competence of these subjects in the sphere of combating domestic violence is not defined in the Law.

The fragmentation of legislative regulation of the tasks and functions of the entities has a negative impact on the level of both legislative regulation of legal relations in the area under consideration, and on the practical activities of state bodies.

Many countries have established independent government authorities responsible for the formulation and implementation of gender policy, monitoring of the situation in the country, and communication with the civil society.

For example, the United Kingdom has the Office for Women and Equalities, Malaysia has the Ministry of Women, Family and Community Development, India has the Department of Women and Child Development, and Germany has the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth.

The Minister for Women and the Minister for Families and Social Services have been appointed, and the Workplace Gender Equality Agency has been established in Australia.

Uzbekistan has established the Ministry for the Support of Mahalla⁵⁷ and Family and a Women's Committee under the Cabinet of Ministers.

We believe that Kazakhstan also has all the prerequisites for the establishment of an authorized body in this area, which would allow to comprehensively address the issues of strengthening gender equality and protecting women's rights.

Therefore, we believe it is quite possible to define and assign to a specific state body the functions of coordinating work in the sphere of strengthening the institution of the family, protection of the rights of women, children, elderly people and persons with disabilities, etc.

The primary task of such an entity for the prevention of domestic violence could be the formation of an effective mechanism for the early detection of these phenomena, the selection of adequate forms and methods of work with victims of domestic violence, persons at risk of a difficult life situation, and minors and youth in conflict with the law.

Effective preventive work at early stages, timely state and public assistance to a particular family increase the chances of ensuring the safety for women and children, eliminating the factors that lead to violence, increasing parental responsibility, and building zero tolerance for violence in society.

⁵⁷“Mahalla” is the Uzbek for “local”.



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Identifying dysfunctional families and conducting preventive work at the early stages of domestic dysfunction have a direct impact on the reduction of juvenile crime, neglect and homelessness.

Inadequate legislation and problems of law enforcement practice in preventing unlawful acts in the family and domestic sphere, insufficiently active participation of civil society in prevention, a low level of legal culture and awareness among citizens, absence in some regions of crisis centers and family support centers, and gender stereotypes in

resolving family conflicts undermine preventive measures and contribute to an increase in offenses against women.⁵⁸ Therefore, it is especially important to build a state model of interaction of prevention entities with defining specific tasks and mechanisms of such interaction.

⁵⁸ Image: National Commission on Women's Affairs initiated a broad expert and public discussion on domestic violence // <https://www.gov.kz/memleket/entities/mam/press/news/details/653025?lang=ru>.



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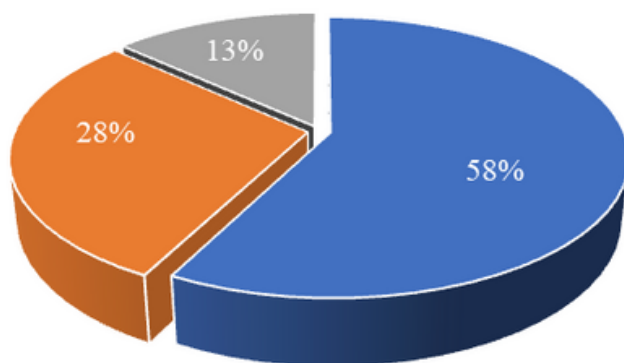
7. ASSESSMENT OF COUNTERACTION TO DOMESTIC VIOLENCE BASED ON SOCIOLOGICAL INDICATORS



As part of this report preparation, in December 2023, an attempt was made to conduct a sociological survey of the population to determine the prevalence, latency and causes of domestic violence, as well as the adoption of legislative measures to counteract this negative phenomenon.

There were **5,000** respondents of legal age who participated in the survey. Of these: **2,913** research and teaching staff, **1,471** civil servants and **670** law enforcement officers and human rights defenders (attorneys, lawyers, etc.).

Respondents

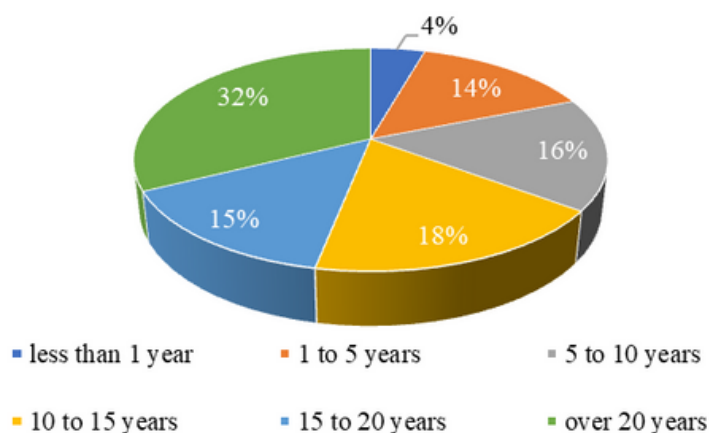


- Research and teaching staff
- Civil servants
- Law enforcement officers and human rights defenders

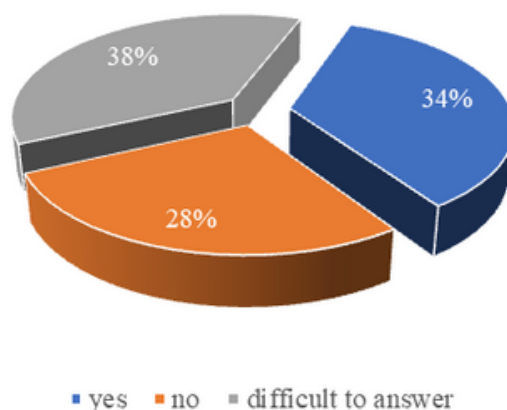
I. To the question “What is your length of service?” **1,619** respondents answered that they had over 20 years of work experience, **897** - 10 to 15 years, **814** - 5 to 10 years, **725** - 15 to 20 years, **724** - 1 to 5 years, **221** – less than one year.



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As can be seen, most of the interviewees have more than 10 years of work experience.



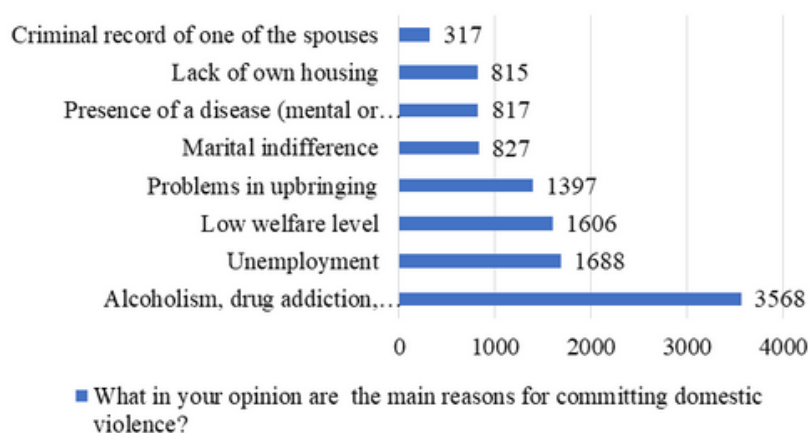
II. **1,710** respondents believe that domestic violence is widespread, **1,383** believe that domestic violence is not common, and **1,869** preferred not to answer.

III. The majority of respondents - **3,568 (71%)** believe that the main causes of domestic violence are alcoholism, drug addiction and gambling addiction. **1,668 (33%)** think it is unemployment, and the third of main reasons is low level of welfare - **1,606 (32%)**. The least number of respondents consider the presence of a criminal record of one of the spouses as a cause of domestic violence - **317(6%)**.

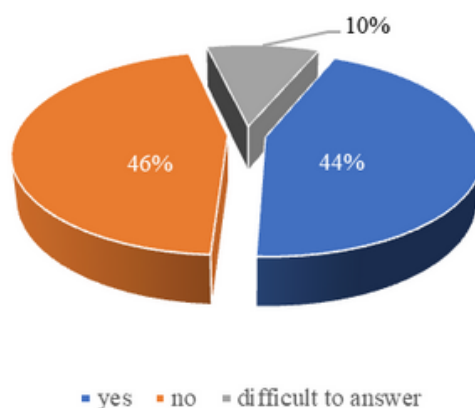
When answering this question, respondents could choose several options of suggested answers.



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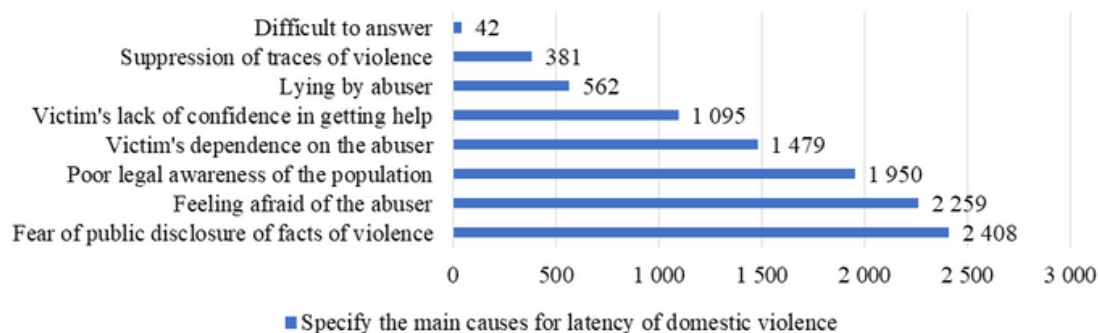
IV. **2,192** respondents believe that the majority of the facts of domestic violence are latent. **2,275** have the opposite opinion, and **504** respondents found it difficult to answer.



V. Respondents believe that the main reasons for the latency of domestic violence are fear of publicity - **2,408 (48%)**, fear of the abuser - **2,259 (45%)**, low level of legal awareness of citizens - **1,950 (39%)**.

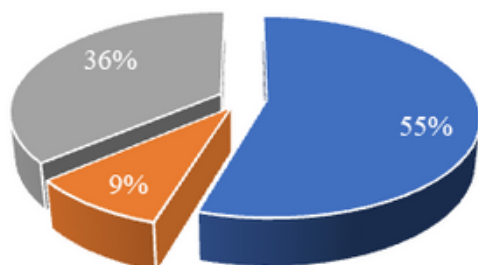
When answering this question, respondents could choose several options of suggested answers.

Causes of latency according to respondents





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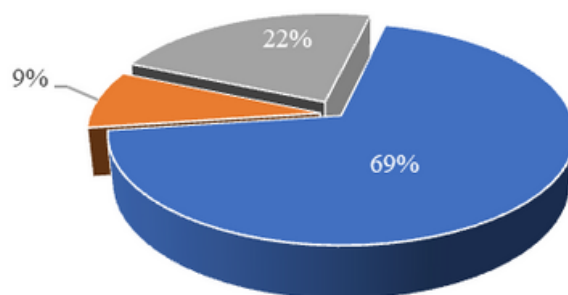


■ yes ■ no ■ difficult to answer

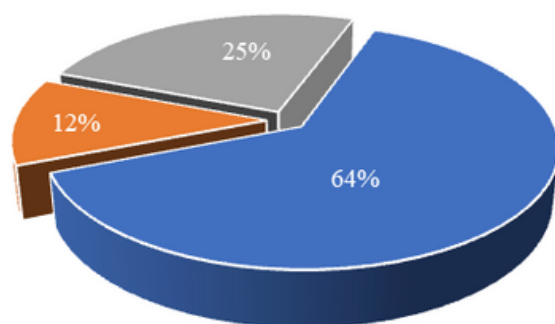
VI. Respondents were asked whether it was advisable to include commission of torture in the sphere of family and domestic relations into Article 110 of the Criminal Code as an aggravating circumstance.

The majority of respondents - **2,737** answered it would be advisable to make the above additions to the national criminal legislation, **1,811** preferred not to answer and only **452** answered “no”.

VII. **3,463** respondents support increasing the term of administrative arrest from 10 to 15 days in the sanction of Article 461 “Violation of Restraining Order” of the Code of Administrative Offenses of the Republic of Kazakhstan. **427** respondents consider the increase in the term of arrest inexpedient and **1,110** preferred not to answer.



■ yes ■ no ■ difficult to answer

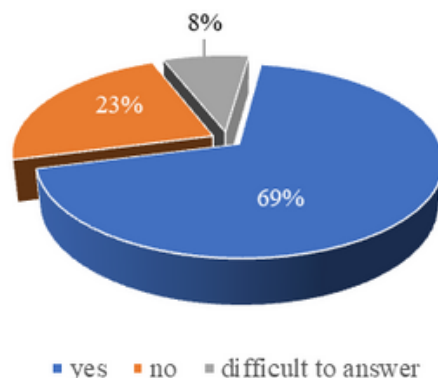


■ yes ■ no ■ difficult to answer

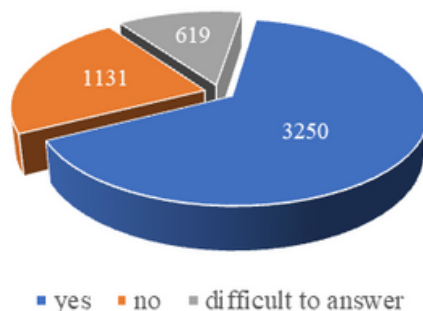
VIII. The majority of respondents - **3,175** - believe that information about facts of domestic violence in the media, Internet resources, social media, etc. is the basis for the application of individual prevention measures, including a preventive conversation, transportation to the police department, and issuance of a restraining order. **587** respondents had the opposite opinion and **1,238** respondents found it difficult to answer.



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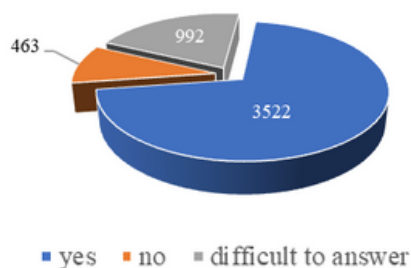


IX. **3,438** respondents support criminalization of repeated (multiple) perpetration of domestic violence, **1,151** oppose it and **411** preferred no to answer.



X. **65%** of respondents think it is necessary to introduce a separate corpus delicti in the Criminal Code for abduction of a woman for the purpose of marriage (bride kidnapping), **23%** of respondents do not support this innovation and **12%** found it difficult to answer.

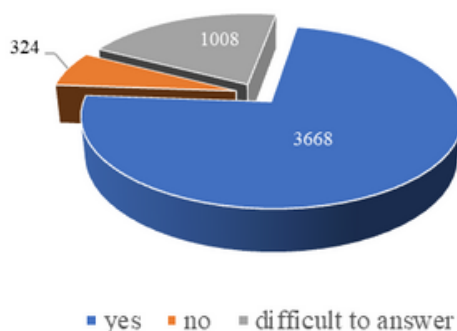
XI. **71%** of respondents supported toughening of responsibility for failure to fulfill obligations to bring up a minor, **9%** were against toughening and **20%** found it difficult to answer.



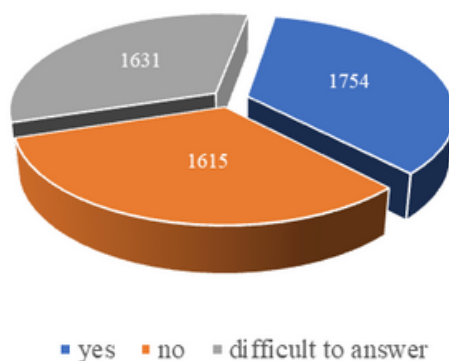
XII. **73%** of respondents answered it was necessary to legislate the obligation of an offender who has committed domestic violence to undergo a psycho-correctional training. **20%** of respondents preferred not to answer and only **6%** were against this legislative initiative.



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XIII. When asked about the effectiveness of existing measures to prevent domestic violence, the respondents were divided into three equal groups: **35%** believe the measures are effective, **32%** think they are not effective, and **33%** preferred not to answer.



XIV. At the end of the survey, respondents were asked the following question: “What additional measures should be envisaged, in your opinion, to improve the effectiveness of counteracting domestic violence?”

Proposals based on the results of the social survey can be divided into the following blocks:

1. Socio-economic:

- 1) comprehensive and systematic prevention starting from preschool education, preventive conversations with socially vulnerable groups of population;
- 2) providing social support to the family, raising the standard of living, increasing the minimum subsistence level and wages to the level of developed countries;
- 3) increasing the spiritual development and well-being of the people, conducting systematic and planned preventive activities in educational organizations;
- 4) increasing the financing of preventive measures;
- 5) improving the legal literacy of the population, systematic monitoring and control of dysfunctional families;
- 6) introduction of social programs on prevention of domestic violence;
- 7) promotion of a healthy lifestyle and a civilized image of the family, as well as the creation of social videos and advertising promoting the value of the family and non-acceptance of violence in the family;



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- 8) introduction of compensations (**payments**) to victims of violence for moral and physical harm suffered;
- 9) provision of housing for newly married couples;
- 10) reduction of prices for goods and food products.

2. Legislative-organizational:

- 1) introduce commission of torture in the sphere of family and domestic relations into Article 110 of the Criminal Code as an aggravating circumstance;
- 2) increase the term of administrative arrest from 10 to 15 days in the sanctions of Article 461 “Violation of Restraining Order” of the CAO RK;
- 3) criminalize repeated (**multiple**) commission of family and domestic violence through the so-called phased approach, where in case of failure to achieve a restraining effect by measures of administrative punishment for such acts, measures of criminal responsibility shall be applied;
- 4) introduce a separate provision on criminal liability for abduction of a woman for the purpose of marriage in the Criminal Code of the Republic of Kazakhstan;
- 5) toughen the punishment against parents or other persons responsible for raising a minor, as well as a teacher or other employee of an educational, training, health or other institution obliged to supervise a minor, for cruel treatment of a minor (**Article 140 CC**);
- 6) toughen liability for domestic violence, increase the period of arrest, and introduce criminal liability;
- 7) establish special units for domestic violence, where specially trained police officers, preferably women, should conduct mandatory interviews with each abuser, as well as include each abuser in a special register as an offender and check at least twice a week;
- 8) strengthen the prevention of alcoholism and drug addiction, and limit the sale of alcoholic beverages;
- 9) introduce rewards for reporting serious domestic violence, as well as prosecution for concealment of violence;
- 10) apply coercive treatment measures, psycho-correctional programs for aggressors and victims, including “passive” victims (i.e. children);
- 11) legislatively organize the work of district inspectors, as well as akimat employees at all levels;
- 12) introduce the concepts of “stalking” and “harassment” into the criminal legislation and provide for the corresponding liability;
- 13) establish centralized services and support centers for victims of violence, distribute telephone numbers of psychological assistance services and hotlines;
- 14) introduce courses for persons getting married;
- 15) strengthen the fight against corruption.



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**CONCLUSIONS AND RECOMMENDATIONS
OF THE HUMAN RIGHTS COMMISSIONER IN KAZAKHSTAN:**

Based on the results of the analysis of the criminogenic situation, international standards, national legislation, sociological survey, as well as the International Scientific and Practical Conference “Combating Domestic Violence: Problems and Solutions” held by the National Center for Human Rights (NCHR) on 23-24 November 2023 in Astana, the following conclusions and recommendations can be made.

International standards on combating domestic violence play an important role in protecting human rights and creating a safe and just environment. The analysis emphasizes the importance of compliance with and implementation of these standards both at the international level and at the level of individual countries.

The crime situation in Kazakhstan indicates the need to develop a system of prevention and prophylaxis of domestic violence and improve it taking into account the actual needs of the family, society and the state. There is also a need for further improvement of the current legislation in the field of family and gender policy to create effective mechanisms for eliminating discriminatory norms. The study revealed shortcomings in the national legislation, including relevant laws on prevention of domestic violence and gender equality, criminal and labor legislation, as well as other legal acts.

The legislative framework of the Republic of Kazakhstan and the measures taken do not sufficiently ensure fulfillment of the task of combating domestic violence. It is evidenced by the extent of administrative and criminal offenses committed in the Republic in the sphere of family and domestic relations.

Changes and crisis phenomena in the socio-economic sphere, criminalization of certain aspects of social relations, new factors causing domestic offences require continuous monitoring and improvement of legal acts in the sphere of combating domestic violence for compliance with model legislation and international standards. Development of interdepartmental cooperation between government bodies and work on the establishment of a single government authority on family issues also require further improvement.

Recommendations for strengthening liability for domestic violence:

1. Currently, a number of draft laws have been already initiated, which are proposed to be combined and included in the draft Law of the Republic of Kazakhstan “On introducing amendments and additions to some legislative acts of the Republic of Kazakhstan on optimization of the



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Criminal Code, Criminal Procedure Code and Criminal Executive Code”, which has been submitted to the Mazhilis of the Parliament of the Republic of Kazakhstan.

2. It is necessary to analyze the Laws of the RK “On Prevention of Domestic Violence”, “On Prevention of Delinquency”, “On Prevention of Juvenile Delinquency and Child Neglect and Homelessness”, which contain duplicative norms, and decide on the adoption of a single law on prevention of delinquency. This will allow to establish common requirements and coordinate the work of all government agencies and organizations and other prevention entities.

3. Create an integrated database of complaints about domestic violence in all authorized bodies and organizations, reflecting the results of their consideration and procedural decisions taken.

4. Strengthen special training and responsibility of district inspectors and persons taking procedural decisions.

5. Provide for criminal liability for causing minor harm to health, with the introduction of administrative prejudice. Revise the wording of part 1 of Article 110 (**Torture**) of the Criminal Code accordingly.

6. Revise the form of criminal prosecution for crimes in the family and domestic sphere, excluding them from the category of private prosecution cases.

7. Expand the range of entities (**police officers**) authorized to make restraining orders, excluding the mandatory consent of the victim.

8. Increase the term of validity of a restraining order.

9. Introduce community service as a punishment (**primary or additional**) for offenders.

10. Criminalize the abduction of women for the purpose of marriage, which will allow qualifying the act depending on whether it was committed in a group of persons, with the use of violence, against a minor, or depending on the severity of the consequences for the life and health of the abductee.

Recommendations on comprehensive prevention of offences in the family and domestic sphere, rehabilitation and resocialization of victims of violence, equality and non-discrimination on the basis of gender:

1. Introduce classes in preschools and mandatory human rights courses in schools. Bring back the Ethics of Family Life course for upper secondary schools. (ME)

2. Strengthen the training of school managers in the prevention of delinquency in families, as well as teachers in the legal basis for the protection of children’s rights. (ME)

3. Introduce the practice of classes with parents in schools on



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children's rights and positive parenting, including trainings by psychologists. *(ME)*

4. Improve the quality of training of school and clinical psychologists and mediation services in schools. *(ME, MH)*

5. Involve the creative industry in the development of a culture of family values and positive gender stereotypes in society. Strengthen control over the fulfillment of government social contracts in the field of violence prevention. *(MLSPP)*

6. Introduce mandatory courses for those getting married. *(MLSPP, CEB)*

7. Create a single integrated social service (**one-stop shop**), with linkage to a single call center and the creation of an organization under the local executive bodies, which, among other measures, will provide a response to all facts of violence using case management technologies. *(MLSPP, MIA, CEB)*

8. Strengthen the work of the visiting nurse care service to prevent violence (including sexualized violence) against children from birth to 6 years old. *(MIA, ME)*

9. Ensure the development and filling of the Digital Family Map presented by the Ministry of Labor and Social Protection of Population of the Republic of Kazakhstan. *(MLSPP, ME, MIA, MH)*

10. To improve the performance of police, organize training events for police officers, strengthen interaction of the police with relevant authorities to identify dysfunctional families and encourage victims of violence to apply for protection of their rights; increase the number of inspectors to work with domestic aggressors. *(MIA)*

11. Increase funding for rehabilitation and re-socialization measures. *(MF, MLSPP, CEB)*

12. Regulate interaction between domestic violence prevention entities and assistance organizations, including crisis centers. *(MIA, ME, MH, MJ, MLSPP)*

13. Introduce unified training standards to improve the qualifications of employees of aid organizations. *(MLSPP)*

14. Approve unified requirements for technical specification and tariff classification of special social services by crisis centers. Consider opening separate crisis centers for offenders. *(MLSPP, MIA)*

15. Introduce mandatory psycho-correctional program for offenders. *(MIA, MH, MLSPP)*

16. All government bodies, including those authorized for domestic violence prevention, should publish a list of crisis centers of the country on their Internet resources.



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APPENDICES

1. Foreign legislation on combating domestic violence and liability for its commission

More than 40 countries around the world have special legislation to counteract and prevent domestic violence, as well as against women and children. In this regard, we believe it is necessary to study the positive experience of some foreign countries.

The Law "On Prevention of Domestic Violence" of the Azerbaijan Republic establishes that domestic violence is the intentional infliction of physical or moral harm to each other by persons through abuse of close family relations, current or former cohabitation.

In accordance with the Law, a victim of domestic violence is a person who has suffered physical or moral harm as a result of acts deliberately committed against him/her by a family member living with him/her, a close relative, a person with whom he/she is not legally married or with whom he/she has lived together before.

A person who fails to comply with the provisions of the restraining order shall be criminally liable in accordance with the legislation of the country concerning non-compliance with court orders.

According to the administrative legislation of Azerbaijan, the infliction of physical violence (**battery or light bodily injuries**) is punishable by a fine or administrative arrest, but the amount of fines for physical violence differs from other sanctions by being more repressive. For example, punishment for battery under the Administrative Code of Azerbaijan is a fine of up to one thousand manat or administrative arrest for up to two months.

In England, there is no codified criminal legislation, and individual laws and court precedents play a leading role in regulating family violence.

According to the Family Violence Prevention Fund, the police in England receive a domestic violence call every 60 seconds. Police respond to 1,300 calls a day, or more than 570,000 a year, related to domestic violence.

In England, nearly two women a week are die by violence from their current or former partners and 25% of women experience domestic violence at least once. Domestic violence is one of the most common types of violence against women and accounts for approximately one quarter of violent crimes in the UK. The Government therefore considers domestic violence seriously undermines the faith in the family foundations and believes it is necessary to intensify the fight against it.



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The British Domestic Violence, Crime and Victims of Crime Act, in Article 9, authorizes the Secretary of State to delegate powers to an officer or newly created local authority to act to review the circumstances of domestic violence where it has resulted in the death of a person.

The Family Law Act of England also deals with domestic violence, in particular in the context of empowering a victim of such an unlawful act to apply to the court for a restraining order or protection order against the offender.

In addition, England has the Forced Marriage Act, which, taking into account the provisions of article 16 of the Universal Declaration of Human Rights, prohibits marriage under pressure or violence.

Bulgaria's Protection from Domestic Violence Act, which entered into force in 2005, provides for the following protective measures:

- 1) oblige the abuser to refrain from committing domestic violence;
- 2) order the abuser to leave the house for a period determined by court;
- 3) prohibit the abuser from approaching the home, place of work, and places for social contact with the affected person under conditions and for a period determined by the court;
- 4) determine a temporary residence of the child with the abused parent or with a parent who has not committed violence, if this does not contradict the interests of the child;
- 5) require the abuser to attend specialized programs for the development of cooperative behavior;
- 6) direct the abused person to attend restorative programs.

According to Bulgarian legislation a protection order is issued only by the court for 30 days with an obligation to temporarily leave the house or any other joint dwelling. Article 296 of the Bulgarian Criminal Code provides that: "Whoever interferes in any way with the execution of a court decision or fails to comply with an order for protection from domestic violence shall be punished by imprisonment for up to three years or a fine of up to 5,000 leva".

The country has the domestic crime and victim assistance program, which provides counseling and information assistance to persons who have committed any type of domestic violence, including coercive measures.

Similar features of criminal law policy are observed in Germany. The Criminal Code of the Federal Republic of Germany, section 225 "Ill-Treatment of Persons under Care", provides for the following corpus delicti: torment, or torture, or causing harm to health through malicious neglect of the duty to take care of a person under the age of eighteen, or defenseless due to helplessness or illness and who:



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- 1) is in their care or custody;
 - 2) belongs to their household;
 - 3) has been left under their control by the person who has the duty of care; or;
 - 4) is subordinate to them within a service or employment relationship
- incurs a penalty of imprisonment for a term of between six months and 10 years.

Attention is drawn to the imperfection of this norm regarding the range of victims. Under the Criminal Code of the Federal Republic of Germany it is much narrower, it includes only persons under care, as well as those belonging to the household (cohabiting) under eighteen years of age or who are defenseless due to physical impairment or illness. For example, a very common type of violence, namely violence against a spouse who is not under guardianship and is not defenseless due to the circumstances mentioned in the article, is not covered by this provision. Therefore, the interests of all family members are not protected.

The positive experience of Spain should be noted.

In Spain, along with the Criminal Code, where a number of provisions refer to family violence, a law on family violence has been in force since 2004, which demonstrates that this problem has become a priority for the State.

Article 24 of the Spanish Criminal Code states that violence is considered aggravated when the victim is or has been the spouse or person with whom the convict has had a stable emotional relationship, or being an ascendant, descendant or biological or adoptive sibling of the offender.

Article 153 of the Spanish Criminal Code, qualifying physical and mental violence, identifies special subjects: “Whoever habitually uses physical or mental violence against the person who is or has been his spouse or the person who is or has been bound to him by a similar emotional relation, even without cohabitation, or against descendants, ascendants or biological, adopted or fostered siblings, against that person or the spouse or cohabitating partner, or against minors or disabled persons in need of special protection living with him or subjected to the authority, guardianship, protection, foster care (acogimiento) or de facto custody of the spouse or cohabitating partner, shall be punished with a prison sentence of six months to three years.

Habitual use refers to a certain number of proven deeds of violence considered by the nearness of these in time, regardless of whether the violent deeds have or have not been judged in previous proceedings”.

The criminal legislation of this country also provides for liability for such a form of violence as sexual aggression. Its aggravated type is an



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assault committed using relationship against adopted persons or in-laws.

There are also a number of shortcomings in the Spanish criminal legislation. Thus, while establishing the punishability of mental family violence, it is not defined. In this connection, the issue of criminal liability is left to the discretion of the court.

Canada's criminal and criminological policy on family violence is recognized as one of the most successful in the world. To some extent, it is similar to that of another North American country, the United States. However, it also has a number of differences. In this country, all spheres of human activity are involved to the maximum in combating domestic violence.

In the sphere of legislative policy, Canada has followed the path of reforming the existing legislation and has not set the goal of creating a federal law regulating the issues of combating domestic violence. For example, the federal government amended the Criminal Code of Canada to provide a system of measures to ensure the protection of women and children from violent assaults and deeds.

In 1983, the Rape Act was reformed. The purpose of the reform was to bring the Act provisions into conformity with changes in the interpretation of rape as a criminal offense.

The bill, which became part of the Criminal Code, removed rape from "Sexual Offenses, Violations of Public Morals and Public Order and moved it to "Offenses Against Personality and Reputation". Three new definitions of offenses were introduced: simple sexual assault; sexual assault resulting in bodily injury, with the use of weapons or other means; aggravated sexual assault.

The bill repealed one of the most sexist and outdated aspects of Canadian criminal law, which rested on the belief that sexual assault could not occur between spouses. As a result, the issue of marital rape was officially recognized. Previously, the offense had been considered only in the presence of mutilation.

In 2002, the Federal Minister of Justice introduced Bill C-20 including amendments to the Criminal Code to assist victims and witnesses under the age of 18 in relation to their testimony; to create a new category of sexual exploitation to protect young people between the ages of 14 and 18; and to increase the maximum penalty for offenses against children.

The Divorce Act was adopted in order to ensure the most effective protection of the interests of the child and the dissemination of a new model of parental responsibility for raising a child.

In Kyrgyzstan, over the past 10 years the activities of government authorities and women's non-governmental organizations aimed



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to improve the status of women in society become more intense.

On 27 April 2017, the Law of the Kyrgyz Republic “On Protection from Family Violence” was adopted, which defines family violence as deliberate actions of physical, psychological, economic nature or their threat, as well as neglect committed by one family member/equivalent person against another family member/equivalent person.

Kyrgyzstan strictly adheres to the UN recommendations and defines the legal framework for preventing and combating family violence and ensuring social and legal protection and defense of victims of family violence.

In Kyrgyzstan, failure to fulfill the terms of a temporary protection order, which is issued by internal affairs officers for a period of up to 15 days, is punishable by administrative liability with a maximum sanction of up to five days of arrest; similar liability is provided for failure to fulfill the terms of a court protection order.

In Malaysia, the prevention of and protection from domestic violence is regulated by one central legislative act, the Domestic Violence Act. The Act provides a legal definition of domestic violence, which covers mental as well as physical violence.

Prevention of and protection from domestic violence in Malaysia is carried out by the police, the courts as well as some relevant non-governmental organizations such as Women’s Aid.

The Act was passed in Malaysia in 1994 under pressure from women’s groups, criminalizing domestic violence, providing for appropriate penalties and allowing victims to apply for an temporary protection order to prevent further acts of violence. But the law was actually activated in 1996. Family violence entails a long prison sentence of up to 30 years, but most cases end in reconciliation according to Islamic traditions. The fine for violence is about 500 dollars.

However, according to the UN Committee on the Elimination of All Forms of Discrimination against Women, the law is rarely applied, as there is no information on its effectiveness in reducing violence against women.

Moldova is one of the countries in the former post-Soviet space that is making progress in preventing domestic violence.

Along with criminal legislation regulating liability for violence, a special law on preventing and combating domestic violence has been adopted. The main objective is to create a unified network of rehabilitation centers. The information collected by those centers would constitute a common database on victims, abusers and measures of assistance and intervention.



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Legislation covers domestic spiritual violence, which consists in undermining or diminishing the importance of meeting spiritual and moral needs by prohibiting, restricting, ridiculing and punishing the aspirations of a family member, or prohibiting or restricting access to cultural, ethnic, language or religious values.

As part of general implementation of the republic's policy on the suppression of domestic violence, various forms of influence on family tyrants are envisaged: fines, deprivation of liberty (imprisonment), psychological rehabilitation.

For example, Article 15 of the Law of the Republic of Moldova "On the Prevention and Suppression of Domestic Violence" provides for a specialized protection measure such as: "compulsion to participate in specialized treatment or counseling programs, if such a necessity is determined by the court as a means of reducing or eliminating violence".

The Criminal Code of Portugal establishes increased criminal liability in the form of an increase in the term of imprisonment by one third, in its minimum and maximum limits, for sexual violence against a child ([Art. 171](#)), sexual violence against dependent minors ([Art. 172](#)), sexual activities with adolescents ([Art. 173](#)), procurement of minors ([Art. 175](#)), if the victim is a relative of the perpetrator, adoptive parent, adopted child, cousin or step-relative, or is in a kinship, guardianship or custodial relationship or is hierarchically, economically or industrially dependent on him and the criminal offence is committed as an abuse of such relationship or dependence ([Art. 177](#)).

In the United States, combating domestic violence is one of the top priorities of the state with significant amounts spent for it annually. The study of this antisocial phenomenon began in the middle of the 20th century. The result was the emergence of the theory of the battered child syndrome, which put the problem of domestic violence on a national scale. Currently, studies are regularly conducted by various governmental and non-governmental organizations in the field of domestic violence. Characteristic of the United States is the combination of the active position of society and readiness of the state to combat manifestations of domestic violence.

For more than half a century, efforts to meet the goal of reducing the number of crimes related to domestic violence have brought results. Data published by the U.S. Bureau of Justice Statistics shows that in 1976, 1,600 women and 1,375 men were killed by their intimate partners, and already in 1999 there were 1,218 women and 424 men, ten years later there were 976.

What has led to a decrease in domestic violence in general and in one



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of its most serious types - homicide? This was facilitated by work in various directions. First of all, various sociological surveys were conducted to identify the size of the problem, the main forms and types of violence. The results obtained have been reflected in numerous scientific and applied research publications. The accessibility of the results obtained and their dissemination through specially created newspapers and magazines allowed American society to reconsider its views on domestic violence, and led to the growth of social movement.

The government, in its turn, has been actively involved in the process of reducing violent crime in the family. About ten U.S. Departments (health, justice, education, etc.) implement specific programs in this area, for which the government annually allocates a special item of expenditure. Since 1994, the U.S. legislation has provided for the operation of an expert advisory committee, which is responsible for implementing the provisions contained in the Model Code on Domestic Violence.

Changes were also made at the legislative level: a number of special laws were adopted to protect children ([Child Abuse Prevention and Treatment Act](#)), women, men and elderly relatives from domestic violence. Laws have been enacted to regulate the responsibilities of various actors who may become aware of domestic violence. For example, a number of states have introduced a duty for every person living or staying in the state, if they discover domestic violence, to report it immediately to specialized services. The same obligation applies to health and educational personnel, whose work rules require them to identify victims of violence and report them to specialized services.

In 2017, a new Law “On Preventing and Combating Domestic Violence” was adopted in Ukraine. According to this Law, domestic violence is defined as an act ([act or omission](#)) of physical, sexual, psychological or economic violence committed in the family or within the place of residence or between relatives, former or current spouses or between other individuals who share (shared) residence as one family but are (were) not in the family or marital relations regardless of whether the person who perpetrated domestic violence lives (lived) in the same place as the victim, as well as threats of such acts.

This Law mainly regulates the prevention and combating of domestic violence, and the infliction of harm in the family is prosecuted as a corresponding criminal or administrative unlawful act.

The Law provides for the possibility of issuing two types of orders: an emergency protection order and a restraining order.



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An emergency protection order is issued to the abuser by authorized units of the National Police of Ukraine in the event of an immediate threat to the life or health of the victim, with the aim to immediately stop domestic violence and prevent its continuation or repeated commission.

The following persons are entitled to apply to the court for the issuance of a restraining order against the offender:

- 1) affected person or his/her representative;
- 2) in case of domestic violence against a child - parents or other legal representatives of the child, relatives of the child (grandparents, adult brother, adult sister), stepmother or stepfather, as well as the guardianship and custody authority;
- 3) in case of domestic violence against an incapacitated person - guardian, guardianship and custody authority.

France is one of the European countries where particular attention is paid to violent crime in the family.

France adopted the Law of 9 July 2010 on violence against women, violence between spouses, and the consequences of these types of violence against children, which establishes new ways of protection against violence available to participants in various family structures (marriages, civil partnerships, and cohabitation).

Adoption of the Law resulted in the creation of a new chapter in the Civil Code entitled “Protection Measures for Victims of Violence”. Although the Law aims to protect both genders, it is primarily intended to assist women and children who become victims of domestic violence. It contains civil and criminal provisions.

The Law introduces a new instrument - protective order issued by the family judge, which allows the victim to be protected through various measures.

Violation of any of the measures provided for by the family judge is punishable by a maximum of up to two years’ imprisonment and a fine of 15,000 Euros.

The measures are valid for four months and can be extended if a request for divorce or separation has been filed. The judge can change them at any time. Wearing of an electronic bracelet may also be ordered in cases where violence or threats of violence are punishable by at least five years’ imprisonment.

In addition, the law contains several criminal provisions aimed at strengthening the fight against domestic violence, including psychological violence. Repeated abuse by a spouse, partner, or cohabitant that “impairs the quality of life and results in a change in the physical or mental state of



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health” is punishable by a maximum penalty of up to three years’ imprisonment and a €45,000 fine if the harassment resulted in incapacity for work for eight days or less. The penalty increases to five years of imprisonment and a €75,000 fine if the harassment resulted in incapacity for work for more than eight days.

The law also strengthens the fight against forced marriages. Fines are paid by the person forcing the marriage in cases of violence, torture, barbaric acts, and are increased in cases of murder. French law also applies when the punishment is committed abroad against victims of French nationality.

In addition, the French Criminal Code contains Chapter 7 on “Assault on Minors and Family”. A number of articles provide for spouses, as well as ascendants and descendants, and persons having authority over the child (adoptive parents, teachers, doctors, etc.) as special subjects of crime. These subjects are related to such crimes as homicide, torture, acts of cruelty, sexual violence. Commission of so-called “daily violence” against minors, regardless of the severity of the damage caused, is also classified as a special offense. By singling out these subjects, the French Criminal Code classifies such offenses as extremely grievous and increases the penalties for their commission.

In 1997, South Korea enacted two laws in the area of domestic violence.

These are the Special Act on Domestic Violence and Prevention and the Victim Protection Act. After the adoption of these laws, the government, police, prosecutors, courts, counseling centers, and various types of shelters for victims began to work together to improve their effectiveness. However, the level of domestic violence has not decreased, but rather increased. First of all, this is not due to an increase in the level of violence, but to an increase in complaints to the police.

There is a range of measures available under the law in relation to the victim and the abuser. Immediate measures are contained in Article 5 for domestic violence crimes, whereby judges and police officers may take the following measures:

- 1) isolate the offenders from the victims to stop the violence;
- 2) refer the victim to one of the centers for victims of violence;
- 3) refer the victims to medical facilities for treatment;
- 4) notify them of the right to apply special measures ([under Article 8](#)) in cases of repeated violence.

Special Measures, Article 29 under which judges may do the following to ensure a smooth investigation and examination as well as protection of the victim:



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- 1) evacuation from the housing;
- 2) denial of access to victims or their family members;
- 3) denial of access to victims/family members via telecommunications;
- 4) placement of the offender in a medical facility or specialized centers to test his legal capacity.

The Maria da Penha Law in Brazil specifies that “domestic and family violence against women is any act or omission based on gender that results in death, bodily injury, physical, sexual or psychological suffering of the woman, as well as moral or patrimonial damage”.

Family violence is also an important issue in Japan. According to the National Police Agency (NPA), the number of domestic violence incidents recently reported to the police has sharply increased by 32.5% to 33,250 incidents, the highest number since such statistics began in 2012.

The solution to this problem has common approaches with European and North American strategies.

Thus, in 2013, the Law on Amendments to the Law on Combating Domestic Violence and the Law on Control of Psychological Violence was adopted. The changes were made on the basis of cases of violence against women that none of the existing laws could adequately address. In particular, murders that could have been prevented if the police had the power to intervene and stop domestic abusers on the basis of law. The changes were therefore designed to fill gaps in existing laws.

The revised Law on Combating Domestic Violence covers violence committed by a partner (**regardless of gender**), sharing living space with the victim; the law allows victims to petition the court for a restraining order. The law expands the scope of local public safety commissions. The law allows not only commissions that have jurisdiction in the area where the victim lives to take action, but also public safety commissions that have jurisdiction over the place of residence of the stalker (**exerting psychological pressure**).

Japan’s legal system also contains a number of protection laws, including:

- 1) Law on Prohibition of Approaching the Victim, this law prohibits the abuser from approaching the victim or staying near the victim’s residence (**unless the victim’s residence is also the abuser’s residence**), the victim’s place of work and other similar places for a period of 6 months;

- 2) Law prohibiting telephone calls and other actions, this law makes a number of restrictions on the actions of the offender, also for 6 months;



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3) Law prohibiting approaching the victim's child or relatives is used when it is necessary to protect the victim from the obligation to meet with the abuser in relation to the victim's child or relatives, this law prohibits the abuser from approaching the victim's child (minor living with him/her) or relative, as well as from being near the victim's residence, his/her place of work, etc. for 6 months.

4) The Residence Exemption Act requires the abuser to leave the residence shared with the victim as the primary residence and not to stay near the victim's residence for 2 months. Violation of the Protection Acts by the offender is punishable by imprisonment with forced labor for more than one year or a fine not exceeding one million yen.

To date, Kazakhstan is the only CIS state (including former CIS member states) where intentional infliction of minor harm to health in the domestic sphere is not a criminal offense, and one of the few states where battery, including in the domestic sphere, is not criminalized.



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2. Domestic violence prevention entities, rehabilitation and resocialization in foreign countries

In England, the police with a separate domestic violence unit play an active role in dealing with dysfunctional families.

The experience of combating domestic violence in this country has shown that the police are not able to deal with domestic violence on their own, so there is a need for collaboration with other official and voluntary agencies, including the Crown Prosecution Service; the Convicted Offender Monitoring Service; legal and medical professionals; the housing department, social services department, Women's Aid, other women's organizations and agencies, i.e. there is a need for integrated multi-agency collaboration.

There are 24-hour hotlines for those who became victims of violence. Assistance to victims includes access to temporary and permanent housing, help with changing schools and financial assistance.

Children who subjected to family violence are given first priority. The correction and rehabilitation work of the Federation of Women's Shelters coordinating the Family Rescue Homes, plays an important role. Women and children subjected to family violence find shelter here. The peculiarity of these homes is not just the provision of food, shelter, and psychological assistance, but also training in independent life skills and obtaining a new profession with a view to further employment.

In cases with "particularly difficult families," they resort to the practice of temporarily isolating children in special centers. One of these clinics was organized by psychiatrist M. Rutter. When providing assistance, there is always parallel work with the child, who is treated by a psychotherapist, and with the parents, who are treated by a special counsellor or social service employee.

Along with shelters, social services are of special importance in the system of preventing domestic violence. When information is received (its source can be the child, neighbors, teachers, medical staff, etc.) and the facts of pressure, physical and other violence against the child are confirmed, a special commission consisting of a social worker, a police officer, a doctor, a school teacher is set up. A meeting of the commission is also attended by the child and his/her parents, who receive special recommendations. A meeting may result in a decision to enter the data about the child in a special register (Child Protection Register), which collects information on children in a particular area who may be or have been subjected to violence, including family violence.

In order to prevent the recurrence of child abuse, social services in England are obliged to monitor for many years families where such abuse have been committed or attempted.



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England's domestic violence combating strategy is similar to the strategies of other countries. It has a legislative framework regulating family violence and provides for the competence of various preventive bodies. The undoubted advantage of the English system is the recording of cases of violence with a view to long-term monitoring of such families.

Germany's criminological policy on family violence is more diverse.

First, there is a network of Frauenhaeuser women's shelters located in many areas. The telephone numbers of the shelters can be obtained from the police or the information office. The addresses of the women's shelters are not publicized so that husbands cannot find women seeking protection there. Accommodation in women's homes is accompanied by training on the principle used by French social services – "help to self-help". During six months of living in such homes, women adapt to new conditions and gain experience of independence and new skills in work, communication, etc.

Second, free 24-hour telephone consultations are widespread, which are conducted anonymously and information obtained as a result of the conversation is a professional secret.

Third, there are child support services in all German cities that work with "socially weak families" and families with a record of violence. Children can contact these services on their own, as well as through the police, teachers and doctors. Most often, children turn to social services due to the following circumstances occurring in the family: battery; neglect, when a child is locked in a crib or children's room and left alone; sexual coercion, using the child's trust and defenselessness to satisfy their own display of power;

an adult forcing a girl or boy to perform sexual acts; an adult requesting a girl or boy to appear naked; showing an adult child pornographic pictures or videos and inviting him or her to take part in such acts; an adult touching a child's body with his genitals; an adult forcing a child to have anal, oral or vaginal intercourse.

If the above cases are identified, the child is placed to a shelter until the decision of the family court, where fate of the parents and the child is determined.

It should be noted that the Criminal Code of the Federal Republic of Germany provides for special subjects of crimes related to domestic violence, and although these provisions are not always perfect, they single out such crimes into a special category. By analogy with other countries, Germany has a wide network of social centers designed not only to provide prompt assistance to victims of violence, but also to teach them to live by different rules.



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Italy is one of the few countries in Europe where the level of domestic violence is quite high. Since 2001, after the adoption of the Law on Domestic Violence, in order to protect victims, the police issues an order for abusers to leave the home immediately. Since 2009, there is also a “warning” that repeated violence entails imprisonment.

In 2013, the Feminicide Act was passed in response to the ratification of the Istanbul Convention.

The most important provisions in the Law are the following:

- 1) more severe penalties for violence;
- 2) mandatory police and prison custody;
- 3) removal of the abuser from home, even if it is the husband;
- 4) inability to withdraw the complaint;
- 5) priority consideration in court;
- 6) free legal aid;
- 7) residence permits for foreign victims;
- 8) informing victims about the progress of the judicial process.

The law also provides for subsidizing of anti-violence centers for protection and prevention of violence throughout the country. The state budget funds domestic violence hotlines throughout the country. Police officers conduct special trainings on procedures for victims and abusers.

The country has a National Plan to Combat Domestic Violence. The Ministry of Equality is responsible for its implementation. Also, on the basis of the 2007 Funding Act, a National Observatory on Violence against Women had been established, which is allocated 3 million Euros annually.

Prevention of domestic violence in Spain is the responsibility of law enforcement agencies, local authorities and public organizations.

The police has a free of charge hotline that operates 24 hours a day. By calling, you can not only ask for immediate help, but also get useful information about the nearest crisis or rehabilitation center operating in most provinces.

Article 192 of the Spanish Criminal Code states that a judge or court may hand down an additional punishment of deprivation of parental rights, guardianship, care, safekeeping or fostering and barring from holding public employment and office or practice of the profession or trade, for the term of six months to six years, or permanent deprivation of parental rights.

The Civil Code also protects the physical and psychological integrity of children in the context of the family and establishes that parental rights shall be exercised always in favor of children, in accordance with their individual qualities and respect for their physical and psychological integrity.



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It also empowers the judge to rescue the minor from danger or prevent any harm caused to him or her, including by ordering temporary deprivation of parental rights or deprivation of parental access.

In addition, when the judge is aware of a serious crime committed against a child, he/she may take protective measures established in the Criminal Procedure Act, i.e. removal of the perpetrator, prohibition of communication with the child and preventive detention if there are reasonable grounds to believe that the perpetrator may infringe on the life or physical integrity of the child.

The Law on Comprehensive Measures for Protection against Gender-Based Violence provides for various rights of survivors, particularly in the area of employment and social security, including the right to a reduction in working hours or change of work schedule.

Spanish experience in combating family violence proves the special attitude of both government structures and society to this antisocial phenomenon. The solution of issues of protection against domestic violence, both by a special normative document and by criminal law, allows to resolve most of the issues related to the violence of some family members against other family members. The existing wide network of preventive entities, especially in the provinces, makes assistance to victims of domestic violence more accessible.

In Canada, in the absence of uniform federal legislation, it is common to have provincial acts governing domestic violence.

Since 1998, many provinces and territories have enacted a Domestic Violence Act to supplement the CC and provide a broader range of remedies than are currently available in the Code or other provincial statutes, including Yukon (1999), Manitoba (1999) and Alberta (1999). The Act has been passed and is awaiting promulgation in Ontario (2000) and Nova Scotia (2001).

The province of Alberta passed the Family Violence Protection Act in 1998, which protects all members of the family - women, men, children, seniors. There are three forms of protection under the Act:

Protection Order (where immediate assistance is required);

A Royal Court Order of Protection;

An order authorizing entry into a dwelling.

The province of Manitoba has developed three types of educational programs for offenders:

- 1) 24-hour group counseling classes (offered in 6 languages);
- 2) an 84-hour intensive therapy program (for those on conditional release);
- 3) a 300-hour program (for those imprisoned).



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Winnipeg has had a Family Violence Court since 1990, created under public pressure to deal in a careful and fair manner with cases of violence between spouses, children and seniors.

Since 1988, Ontario has had a Domestic Violence Immediate Response System in place, particularly in the province's largest city of Toronto.

There are over 370 crisis centers (shelters, refuges, hotlines) in Canada to assist women survivors of sexual and domestic violence. These crisis centers provide confidential legal and social services to women, regardless of their social status or nationality. Many crisis centers are active in the community work and participate in educational and training programs, as well as in the legislative process.

Crisis centers in Canada are distinctive social institutions that live by their own principles and code of honor. The establishment of crisis centers and shelters is part of the government's domestic violence program, which has been operating in Canada since 1988.

The data provided by the All-China Women's Federation (ACWF) show that the relevant authorities annually receive about 50,000 complaints on domestic violence. According to The Epoch Times, 287,000 people commit suicide in China every year, including 157,000 women. Surveys show that the number of suicides committed by women in rural areas is 3-5 times higher than in the city. At the same time, most of them are due to domestic violence.

In this regard, the China's Marriage Law was amended in the early 2000s to include provisions that qualify domestic violence as a crime. 14 provinces, autonomous regions and cities of central subordination have drafted laws to strengthen legal measures against the "fist law" that often governs marital relations.

In China, domestic violence was only regulated in 2016 with the adoption of the Law on Combating Domestic Violence. The provisions of this legal act state that it is "adopted to prevent and suppress domestic violence, protect the legitimate rights and interests of family members, maintain equality, concordant and civilized family relations, and promote family harmony and social stability".

The Chinese Law on Combating Domestic Violence provides for a wide range of entities that deal with combating this unlawful act. In addition, the Chinese legislator establishes a list of entities (including local people's governments, judicial bodies, people's organizations, social organizations, street committees, enterprises and institutions), authorized to combat domestic violence.



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In addition to the law already mentioned, the Law on the Protection of Women's Rights and Interests, which also has provisions on domestic violence, is currently in force. This law is supported by local resolutions in 25 provinces.

Along with these laws and regulations, the Criminal Code of China, in Article 260, "Maltreatment of Family Members under Aggravating Circumstances" and Article 261, "Abandonment of Elderly, Minors, Sick Persons or Other Persons Not Capable of Independent Living", provides for the liability of special subjects - family members.

The subjects of response to domestic violence, by order of the PRC government and in accordance with the decrees of seven ministries, including the Ministries of Public Security, Justice and Health, are the police, which are obliged to immediately respond to reports received about acts of domestic violence.

The All-China Women's Federation and the public security organs have initiated the establishment of other entities for the care and protection of victims of domestic violence. They created centers, shelters, complaint hotlines, and legal aid websites. With the support of the government, information blocks are created, including videos, memos and recommendations to help victims acknowledge the act of domestic violence, survive it, and adapt to the new reality.

However, despite the active involvement of the All-China Women's Federation and the government in addressing this problem, not all victims of domestic violence, especially those living in rural areas, can receive assistance. The reason for this is the mismatch between the number of assistance centers and the number of people who need them.

In China, several regulatory acts at different levels address domestic violence, which indicates that this issue is of particular importance. However, these acts mainly prioritize gender issues. Law enforcement agencies and public organizations act as entities of victims protection and prevention of this negative phenomenon.

In Malaysia, the unification of health services for victims of violence in a single interagency center "Under One Roof" has proved to be very effective. Women hospitalized after acts of violence can receive qualified medical, legal and psychological assistance in one place. First developed in Malaysia, this model is now replicated in most Asian countries, as well as in other countries, such as South Africa.



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Domestic violence in Portugal is dealt with by the police and the National Republican Guard, part of the Interior Ministry. There are investigators in all regions of the country who specialize in domestic violence, providing victims with the necessary protection, support and assistance. In Portugal, domestic violence is a public crime, which means that the criminal process does not depend on the victim's claim, and therefore an accusation or recognition of the crime is sufficient for the Public Prosecution to move the case forward.

In the United States, numerous hotlines, crisis centers and shelters for victims of abuse have been established at the community and state levels, and a National Center on Child Abuse and Neglect has been opened. Numerous services have been established to not only identify specific cases of family violence, but also to investigate and take appropriate action. These services operate 24/7. They are run by professionals specially trained in family therapy.

Not the least role in suppressing domestic violence is given to law enforcement agencies, which are responsible for both detecting cases of domestic violence and responding to information from the alert system. More than half of all incidents are registered by the police. The police are the first and most often the only social institution interacting with perpetrators and victims of domestic violence. Police officers also take an active part in the investigation of a domestic violence case together with medical and social workers. And according to §29a of the Police Act, the head of the family who used violence is prohibited from entering the house and any contact with his wife and children for two weeks.

The competence of law enforcement agencies also includes the possibility for the court to decide, at a preliminary hearing, to refer a person accused of a violent crime against a member of his or her family to a special counseling program. Such a decision is made on the basis of an agreement concluded with the accused. The program is a training course based on psychological methodology, which is held in groups of 15 to 18 persons for 4 to 12 months under the supervision of a specialist. The program is supervised by a probation officer. The program is conducted at the defendant's expense, based on a flexible price scale, depending on the defendant's financial situation. Successful completion of the program is the grounds for dismissal or reduction of charges. In case of evasion of the program, the criminal prosecution procedure is resumed. In the United States, the majority of court decisions to send a person who has committed a violent crime in the family to a special prevention program instead of actually serving a sentence are made as part of conviction.



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The work of the above services is aimed at identifying, suppressing and rehabilitating victims of various forms of violence: physical, mental and sexual.

Once a report is received, social workers, together with the police and health workers, investigate the case within 48 hours. A mandatory visit to the family takes place, where not only the living conditions but also the behavior of adults is assessed, and persons related to the family (relatives, neighbors, friends) are interviewed. Medical and psychological examination of the victim and his/her family members is carried out, which allows comprehensive investigation of the fact of family violence. If the victim is a child, he or she may be temporarily removed from the family for the purpose of his or her psychological rehabilitation.

The investigation results in an intervention in the form of:

- 1) a specific service;
- 2) support;
- 3) therapy.

A specific service includes material assistance, clothing, food, housing, transportation costs. Support is manifested in changing the quality of family life and each member of the family. Services are provided for housekeeping, medical care, attendance at special courses. Therapy is usually carried out by an agency in the community, where traditional methods of treatment are used: individual therapy, therapy of couples, groups, and non-traditional methods are applied: help to parents on the principle of the “Alcoholics Anonymous” society, groups of “anonymous parents” are created. Almost every state in the USA has its own legislation, but there is also a general federal legislative framework.

The Ukrainian law clearly defines the entities that carry out activities in the sphere of preventing and counteracting domestic violence.

In particular, these include: The central executive authority, which ensures the formation of state policy in the area of preventing and combating domestic violence; the bodies of the National Police of Ukraine; guardianship and custody agencies, children’s affairs services; education authorities, educational institutions; health care authorities and institutions; centers for the provision of free secondary legal assistance; general and specialized support services for victims.

In accordance with the Law, these organizations are mainly financed from state and local budgets.



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In analyzing the activities of French authorities and organizations engaged in research and preventive work in the area of domestic violence, we should mention the special units within the police and gendarmerie, which are responsible for investigating cases of violence and also have the right of immediate placement of children in another family. This measure is necessary to protect the child from parental pressure. The Judicial Police Department has a “Brigade for the Protection of Minors”. The Brigade is divided into a group dealing with violence against minors by the family and a group responsible for the protection of minors from external violence.

To facilitate the work of investigators and to be able to find information quickly, the secretariat systematizes all documents relating to an individual family; these data sometimes contain information on several generations of the family, which is crucial because family history is built up over generations.

Along with the police, the Fourth World charity organization works with dysfunctional families. Its activity is primarily aimed to help children who have been subjected to domestic violence. In addition to sheltering the child, a special educator works with him under the “help to self-help” principle. This principle is based on teaching children to resist negative influences and pressure from parents, relatives and persons in authority over them, as well as developing positive qualities for their personality. In the interests of minors, the French Criminal Code was amended to provide for the appointment of a lawyer and a special legal representative in order to avoid the negative influence of relatives on the child during the judicial process. In parallel with all the measures taken with regard to the child, the dysfunctional family is examined. The result of such examination is work with psychologists, or measures of a corrective or repressive nature.

France, like many countries, is constantly modernizing both the legislation on domestic violence and the bodies involved in combating this negative phenomenon. The suppression of domestic violence against minors has become a priority, as evidenced not only by separate legal acts but also by the network of special organizations.

South Korean law provides for a number of mechanisms for the protection of victims of violence:

- 1) establishment and functioning of emergency Call Centers, in accordance with Article 4-6;
- 2) establishment and operation of counseling centers, in accordance with Article 5;
- 3) services of counseling centers, in accordance with Article 6;



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- 4) establishment of refuges (shelters), in accordance with Article 7;
- 5) categories of shelters, in accordance with Article 7-2;
- 6) services provided in shelters, in accordance with Article 8.

There are also measures to rehabilitate victims and abusers, through grants from NGOs. The Ministry of Gender Equality is responsible for enforcing the laws and is constantly working to improve the legislation. But in cases of serious bodily injury, the perpetrator is tried under the Criminal Code, which provides for long-term prison sentences depending on the severity of the offense.

According to Japan's support scheme for spousal abuse by the Cabinet Office for Gender Equality, victims have a choice: first of all, they can contact the police or the spousal abuse counseling and support centers located in each prefecture. The alternative is to go to the district court, which will sentence the abuser to imprisonment with forced labor for a maximum of one year or a fine of no more than one million yen.

The support system for victims of domestic violence in Japan also includes a network of private shelters that offer temporary protection. In addition to private shelters and public counseling and support centers for victims of domestic violence, there are women's counseling offices that provide more detailed information on the protection system for domestic violence can be obtained.

The Penal Code of Japan contains a number of articles providing for a special subject: Article 200 "Killing of an Ascendant or Descendant", which is punishable by the death penalty or indefinite imprisonment. Article 205 "Bodily Injury Causing Death", Article 218 "Abandonment by a Person Responsible for Protection", Article 220 "Unlawful Capture and Confinement", also provide for family members as a special subject, which in turn aggravates the punishment.

Japanese policy on domestic violence includes a set of laws, along with the Penal Code, regulating the main issues of this problem. The peculiarity of this legislation is its systemic nature, which provides for various means of protection for individual family members. The subjects of protection and prevention are traditionally law enforcement agencies represented by the police and the court, as well as public and private organizations providing counseling, temporary shelter and social assistance.

The Law of Guatemala against Femicide and Other Forms of Violence against Women adopted in 2008, obliges the national statistical office to collect data and develop indicators on violence against women.

In Mexico, the Law on Women's Access to a Life Free of Violence mandates creation of a national database on cases of violence against women, including information on protection orders and the persons against whom they are issued. With a more detailed understanding of domestic violence, a number of countries are introducing and/or amending



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legislation to enshrine definitions that include all or some of the following types of violence: physical, sexual, emotional and/or psychological, patrimonial, property and/or economic.

The Maria da Penha Law of Brazil stipulates that women survivors of violence require timely access to health and support services to provide primary health care, protection from further acts of violence and to address their long-term needs. Such services are often provided by non-governmental organizations with limited funds. This is why many women survivors of violence receive insufficient or no support services.

In Guatemala, the Law on Combating Femicide and Other Forms of Violence against Women requires the government to guarantee survivors access to comprehensive service centers, including through the allocation of funding.

The Local Administration Law of Turkey provides for the establishment of municipal shelters for more than 50,000 persons.

According to the Austrian Law on Protection against Violence, assistance centers are to be established in all provinces where victims/survivors of domestic violence are provided with proactive assistance after police intervention. The centers are managed by women's non-governmental organizations and funded by the Ministry of the Interior and the Ministry of Women's Affairs under five-year contracts. Some women survivors of violence lose their jobs because they are absent from work for some time due to injuries or other consequences of violence, and have to look for housing or attend court hearings. In this regard, some states have legislated the rules requiring to support victims for a certain period of time.

In the Philippines, the Violence Against Women and Their Children Act provides survivors with the right to take up to 10 days of paid leave in addition to other paid leaves.

In Honduras, the Domestic Violence Act requires public and private sector employers to allow their employees to attend programs, including self-help groups for survivors and education for perpetrators of violence. In a number of states, financial assistance is provided to women survivors of violence in addition to a protection order.

In Australia, women survivors of violence are entitled to a "crisis allowance", paid by the federal welfare agency Centrelink, if they are displaced from their home because of violence and/or remain in their home after the perpetrator has left and are experiencing serious financial difficulties. Depending on the legal context, such assistance may be provided through a survivors' trust fund, which both the government and other stakeholders can contribute to.



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3. Interdepartmental cooperation of domestic violence prevention entities in foreign countries

In international practice, the competence of structures for coordinating and ensuring effective interaction between the functioning of government agencies involved in family, women's and children's issues is enshrined in legislation in the following countries: Austria, Australia, Germany, France, USA, Russia, Republic of Belarus, Republic of Uzbekistan, Georgia, Sweden and others.

The foundations of the domestic violence combating system are defined in the Austrian Federal Act on Protection against Domestic Violence, adopted in 1997.

The key feature of this system is the reallocation of part of the functions of the law enforcement system to NPOs and the introduction of active civilian control over the decisions of medical, police and court officials in relation to victims of domestic violence.

The coordinating body of the system is the Federal Ministry of Economy, Family and Youth, which relies in its practical efforts on the relevant regional structures. Two agencies have been established within the Ministry: the Interministerial Working Group for the Protection of Women against Violence and the National Coordination Office "Violence against Women".

The main areas of activity of the Ministry and regional structures are civic education for young people, prevention of domestic violence, Internet security, social assistance and support for families, children and young people, combating trafficking in children, prevention of drug addiction, and AIDS.

The critical role in providing assistance to victims of domestic violence and conducting preventive and educational work belongs to non-governmental organizations, which are assigned the functions of intervention and civil control over the decisions of law enforcement structures.

There is a network of Intervention Centers in the country, which coordinate the actions of the police and social services and implement an effective approach to victim assistance.

The Centers are funded by the Ministry of Interior and the Ministry of Women's Affairs, but managed by women's non-governmental organizations.



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The main tasks of an Intervention Center are to assess the danger in cases of domestic violence; provide support and assistance in planning for the safety of the victim and any dependents; provide legal counseling to victims of domestic violence and support them before state authorities and courts; assist in the social adaptation of victims of violence, their psychological and medical rehabilitation; provide shelter for women, children, and other victims of domestic violence; and provide assistance to victims of domestic violence.

A significant stimulating factor of the system's operation at the national level is a clear distribution of responsibilities and functions of each of the structures within the system with the establishment of sanctions for refusal to provide assistance, as well as active educational work with the population at the national level.

There are a number of structures within the Commonwealth Government of Australia, each of which oversees specific issues of family, women, gender equality, youth, and domestic violence:

1) Minister for Families and Social Services oversees the improvement of family wellbeing; takes control of state social services for families and children, mental health, and support of disabled and elderly people;

2) Minister for Women's Affairs - the mission of this structural unit of government is to provide strategic policy advice to the Prime Minister, Minister for Women's Affairs, develop policies and programs to promote gender equality and improve the lives of Australian women, enhance women's economic security, support women in managerial positions, and protect women and children from violence;

3) The Workplace Gender Equality Agency promotes gender equality in the workplace; provides advice and training to employers on improving gender indicators;

4) The Australian Institute of Family Studies provides research and advice on the development and implementation of family policy for the Government.

The coordinating bodies involved in the prevention of domestic violence and the protection of the rights of families, women and children in Germany are the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, the Bundestag Commission for Children, the Association for Child and Youth Welfare, and the German Federal Youth Circle.

The structure of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth includes departments in the Federal Ministry, committees in the federal lands, administrative districts (areas), and the Youth Service.



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The main areas of activity are:

1) preparation and adoption of laws affecting the interests of families and youth, representation of the interests of families, children and youth in all political aspects, mainly in the field of education, health and labor relations;

2) organization and support of intersectoral cooperation with ministries, federal lands and municipalities, participation in the development and implementation of European Youth Programmes, support of research projects.

The main areas of activity of the Bundestag Commission for Children's Interests are implementation of the UN Convention on the Rights of the Child, social assistance to children and young people, protection of children's rights, promotion of early childhood education.

The activities of public organizations are aimed at legal and social assistance and support for young people, support for volunteer organizations and protection of the interests of children and young people.

The most effective way to combat domestic violence in Germany is the possibility of law enforcement agencies to independently initiate proceedings on the fact of domestic violence. If law enforcement officers are called directly to the scene of the crime, they can initiate proceedings without the victim's request. Victims of domestic violence can report to the police within 3 months.

In addition, the Protection from Violence Act provides the victim with the right of legal claim to evict the perpetrator from the apartment.

The governmental structures that ensure coordination and effective interaction of public bodies carrying out activities on women and children's issues in France are the Government, Ministry of National Education, Ministry of Health, and Prosecutor's Office.

The Government, represented by the President of the General Council (Department) and the services under its authority, shall carry out the following activities:

1) providing material, educational and psychological assistance to minor children and their families, minors declared fully capable and adult citizens under 21 years old who are facing social difficulties;

2) collective actions in places with the signs of social disadvantage (streets, neighborhoods), neglect and antisocial behavior of children;

3) supervision and control of individuals and associations involved in the admission and provision of housing for minors;



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4) physical and financial assistance to minors placed in the care of these services by parents themselves or children who have lost family and kinship ties (foreign children, in particular undocumented children);

5) carrying out preventive measures and collecting information on children subjected to ill-treatment;

6) carrying out compulsory medical monitoring of pregnant women and children under six years old;

7) providing individualized assistance to a person or family in need by a multifunctional social worker; assistance in solving financial, administrative, housing, health-related, employment and education problems.

The activities of the Ministry of National Education are aimed at promoting the physical and mental health of students (check-ups, compulsory examinations/tests to detect a number of diseases; educating the population on healthy lifestyles; carrying out preventive measures and providing emergency medical care; identifying disadvantaged children (abuse, psychological problems, depression) and referring them to specialized institutions or services.

The main content of the activities of the Ministry of Health is outpatient treatment and consultation of citizens, either in specialized institutions or by appointment in specialized centers (medical and psychological centers, child psychiatry wards in hospitals).

The Prosecutor's Office monitors compliance with the law in respect of minors and protects the interests of minors in the event of a threat to their health, education or safety.

At the municipal level (Paris) there is the General Directorate of Municipal Police, which deals in real time with the following issues:

1) monitoring, prevention and resolution of issues arising within the family (social investigations, child maltreatment, intra-family sexual violence, etc.);

2) investigation of juvenile problems outside the family (running away, pedophilia);

3) identification of minors in material or moral danger or without adequate conditions for training and education (minors neglected, staying away from school, turning to crime, having attempted suicides, having psychological or mental problems, etc.).

Under French law, domestic violence against a family member is considered an aggravating circumstance. For example, if a wife is killed, the husband is subject to life-long imprisonment.

There is no separate structure for family, women and children's affairs in the United States; the U.S. Department of Health and Human Services has The Administration for Children and Families the Assistant Secretary.



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The Department has more than 20 specialized units, including the Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB) and the Office of Family Assistance (OFA).

The primary focus of the above structures is to promote the economic and social well-being of families, children, individuals and communities, promote health and well-being through federal leadership, partnerships and resources for compassionate and effective delivery of social services.

A peculiarity of the U.S. legal system is the fact that each U.S. state has separate legislation to prevent and combat violence.

For example, the state of Illinois has a Domestic Violence Act, under which a court will issue a protection order against a person (“defendant”) who has committed violence against the victim (“complainant”), prohibiting the defendant from certain actions or requiring him/her to perform certain actions. 3 types of orders: emergency (for violence committed during night-time and weekends), temporary (up to 21 days) and permanent protective orders. A correctional program for violent offenders is provided for.

There are courts that specialize in family violence (“in domestic sphere”).

Minnesota law criminalizes domestic violence and allows officers to arrest a person without an order if they have reasonable grounds to believe that the person has committed domestic violence, and it requires law enforcement officers to notify victims of domestic violence of their legal rights.

The Domestic Violence Prevention Act of the State of New York requires neighborhood social service agencies to offer emergency shelter and other services, including outreach and counseling. The law requires funding for shelters for victims, and provides for confidentiality of victims’ addresses and shelters. In addition, the state provides unemployment benefits for victims of domestic violence who are incapacitated by the violence.

The state of New York has also adopted a law establishing a Bureau for the Prevention of Domestic Violence.

In the Russian Federation, a number of government structures are dealing with issues of families, women, children and domestic violence: the Coordination Council for the Implementation of the National Action Strategy for Women 2017-2022 under the Government of the Russian Federation; the Committee for Family, Women and Children’s Affairs in the Chambers of the Federal Assembly of Russia; the Committee for Family, Women and Children’s Affairs in the Administration of the President of the Russian Federation; the Government Commission on Minors and Protection of Their Rights; the Ministry of Health and Social Development of the Russian Federation; and numerous non-governmental organizations.



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A department for the protection of the rights of women, families and children has been established in the Office of the Commissioner for Human Rights of the Russian Federation.

The mission of all these structures is to ensure cooperation between federal government bodies, government bodies of the constituent entities of the Russian Federation, local government bodies, public associations, scientific and other organizations in considering issues related to the implementation of the National Action Strategy for Women 2017-2022.

The main areas of activity of the above structures are:

Committee on Family, Women and Children's Affairs in the Chambers of the Federal Assembly of Russia, Committee on Family, Women and Children's Affairs in the Administration of the President of the Russian Federation, Government Commission on Minors' Affairs and Protection of Their Rights - coordination of the activities of federal executive authorities and executive authorities of the constituent entities of the Russian Federation related to the enforcement of the country's legislation in the area of prevention of child neglect and juvenile delinquency and protection of their rights; development of coordinated approaches to address the problems of child neglect and delinquency and the protection of the rights of minors.

Ministry of Health and Social Development of the Russian Federation - legal, medical and social assistance and support for families, women and young people; prevention of domestic violence.

Departments for the social protection of the family, motherhood and childhood under local executive authorities - analysis of the social, economic and legal situation of various types of families; development of comprehensive programs and action plans on social protection issues in cooperation with relevant agencies; prevention of child neglect and protection of the rights of minors; prevention of domestic violence.

At present, the Russian Federation has a network of crisis centers to help victims of domestic violence, with hotlines and online counselling. For example, since 2011, the All-Russian free hotline for women subjected to domestic violence has been operating on the basis of "ANNA" crisis center.

The State bodies responsible for implementing gender policy in the country are the National Council on Gender Policy under the Council of Ministers of the Republic of Belarus, the Department of Population, Gender and Family Policy within the Ministry of Labor and Social Protection, and expert working groups on the implementation of gender policy in all regions of the country under the regional executive committees.

The National Council on Gender Policy under the Council of Ministers of the Republic of Belarus coordinates gender policy and develops



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coordinated actions aimed to ensure implementation of the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.

The Council is composed of representatives of legislative, executive and judicial authorities, local executive and administrative bodies, scientific organizations, trade unions, public associations and international organizations.

The Population, Gender and Family Policy Division within the Ministry of Labour and Social Protection ensures the implementation of the tasks assigned to the Ministry for the implementation of the main lines of state policy on issues related to ensuring equal rights and opportunities for men and women, and performs organizational, technical and information support functions for the activities of the National Council.

Expert working groups on the implementation of gender policy in all regions of the country under the regional executive committees are developing partnerships with civil society institutions.

Operation of the so-called “Crisis Rooms” to provide temporary shelter for abused women can be noted among the specific features of the practical implementation of combating domestic violence.

By decision of the local executive and administrative authorities, a “crisis room” may be located in isolated public or private residential premises or in premises assigned to other institutions and organizations.

The mode of operation of a “crisis room” is 24/7. The period of citizens’ stay in a “crisis room” is defined in the agreement and can be extended taking into account the circumstances of a particular life situation.

The government structures responsible for the family, women and children in Uzbekistan are the Women’s Committee under the Cabinet of Ministers and the Ministry of Employment and Labor Relations.

The main areas of activity of the Women’s Committee under the Cabinet of Ministers of Uzbekistan are:

1) social and legal support for women, protection of motherhood and childhood, approval of practical measures for the professional, physical, spiritual and intellectual growth of women, as well as for the modernization and democratic renewal of society, strengthening the role of women in the processes of social and state construction in Uzbekistan, and approval of practical measures on other issues;

2) deciding on the establishment and liquidation of business structures and foundations for the fulfillment of statutory tasks; establishment of mass media;

3) deciding on the establishment and liquidation of provincial women’s committees and coordinating their activities.



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The “Oila” Republican Scientific and Practical Center has been established under the Committee, there are territorial women’s committees in districts/cities.

The structures perform the following functions:

1) timely identification of women’s problems, compilation of targeted lists of women in need of assistance and in difficult social situations, including women with disabilities, and provision of socio-legal, psychological and material assistance to them;

2) providing women with all possible targeted support in the areas of employment, improving working conditions, and broadly involving women, especially young girls in rural areas, in family and private entrepreneurship and craftsmanship;

3) close cooperation with government bodies and civil society institutions in the early prevention of delinquency among women, primarily through individual work with those prone to committing crimes, as well as implementation of measures for the social rehabilitation and adaptation of women released from penal institutions.

The structure of the Ministry of Employment and Labour Relations consists of territorial units - specialized departments in districts/cities and the State Trust Fund for Women and Family Support.

The competence of these bodies includes:

1) targeted support for women in need of assistance and in difficult social situations; promotion of employment and entrepreneurship among women;

2) work to prepare young people for family life, form a modern model family, and strengthen its spiritual and moral foundations and traditional family values;

3) activities to protect women’s reproductive health; there is no effective system of prevention and prophylaxis of maternal and perinatal diseases, especially in remote rural areas;

4) prevention of offences and avoidance of crime among women;

5) efforts on staff retraining and professional development in preparing young people for family life, strengthening the family, and preventing conflict situations.

In practical activities on the protection of women’s rights, education and health care bodies are obliged to notify law enforcement bodies of facts threatening the life or health of women, cases of women’s involvement in forced labor and antisocial behavior.

The Parliament and the Government of Georgia shall exercise general supervision over the observance of gender equality.



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The Parliament shall establish a Gender Equality Council composed of representatives of the legislative and executive branches of Georgian government and NGOs.

The Gender Equality Council is authorized to:

1) analyze legislation and develop proposals to ensure eradication of gender inequality in legislation; to provide expertise of draft legislative acts;

2) develop planning of individual activities to achieve gender equality and exercise of equal rights for women and men;

3) develop and implement a system of monitoring and evaluation of measures aimed to ensure gender equality, develop relevant recommendations;

4) request and receive any information and documentation related to the study of gender equality issues, except for documents, confidentiality of which is observed in accordance with the legislation;

5) consider applications, documentation and other information related to the violation of gender equality;

6) in considering the issues related to gender equality, involve representatives or (and) experts of relevant international or local organizations.

The Interdepartmental Commission on Gender Equality, Violence against Women and Domestic Violence operates under the Government of Georgia, the main mission of which is to ensure systematic and coordinated work on gender and other issues stipulated by the Georgian legislation.

A peculiarity of the legal system of Georgia is the fact that the Public Defender of Georgia is officially appointed to monitor the observance of gender equality and respond to violations of gender equality.

Detection of cases of violence against women and/or family violence and response to them are ensured by the law enforcement and judicial bodies.

The obligation to apply to the relevant authorities for the purpose of initial identification of and response to the fact of violence against women and/or family violence shall be imposed on the authorized employees of health institutions, in case of minors – employees of educational and fostering institutions, public law legal entity - Social Services Agency, guardianship and custody bodies and other entities stipulated by the legislation of Georgia.

Upon receipt of a report on the fact of violence, the police shall be obliged to immediately come to the scene of the incident, regardless of who applied to the police authorities - the victim, witness of violence or a person providing medical, legal, psychological assistance, and guardianship and custody bodies in case of violence against a minor.



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In the event of a call about domestic violence, a woman must be one of the police officers responding to the call. Training on gender-sensitive issues is also provided to police officers, prosecutors and judges in order to prevent secondary traumatization of women through intensive interrogations.

So-called restraining and protection orders are issued.

A restraining order (up to 1 month) is an act issued by an authorized police officer, which defines temporary measures for the protection of victims of violence against women or (and) family violence.

Protection order (up to 6 months, additionally for a maximum of 3 months) is an act issued in administrative proceedings by the court of first instance (judge), which determines temporary measures for the protection of victims.

The coordinating bodies for the protection of women's rights and domestic violence in Sweden are the Ministry of Industry, Employment and Communications, the Ministry of Culture, the State Youth Council and the Ombudsman for Children.

At the territorial level, there are relevant departments in the municipalities.

The main activities of the Ministry of Industry, Employment and Communications are:

- 1) protection of women's rights in the sphere of employment;
- 2) protection of the inviolability of a woman's personality;
- 3) legal protection of women against violence, including sexual violence;
- 4) protection of women's rights in the field of social security;
- 5) protection of women's rights to artificial termination of pregnancy;
- 6) protection of women who sell sexual services.

The Ministry of Culture and youth councils oversee the issues of reducing unemployment among young people, vocational training and retraining, employment of young people and raising their educational level.

The Ombudsman for Children's Rights is responsible for submitting bills to the Swedish Government to amend laws and facilitating the application of the law protecting children's rights in the work of government agencies, municipalities and county councils as well as disseminating information on the Convention on the Rights of the Child.

One of the peculiarities of law enforcement practice in Sweden is that crimes related to domestic violence are classified as public prosecution cases. The police are obliged to conduct a preliminary investigation, which is headed by a prosecutor, and the victim cannot prevent the progress of the case (cannot withdraw a complaint).



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4. Countering offenses against sexual inviolability of minors under foreign legislation

Foreign practice in combating crimes against the sexual inviolability of minors has shown that in all countries persons convicted of such crimes are physically isolated - for the life term or for a certain period with subsequent detention in specialized medical institutions, if they are recognized as dangerous.

In some countries, the death penalty is prescribed for such offenses (South Korea, Iran, Iraq, Saudi Arabia, China and other countries in the Middle East).

In most of the countries, after serving a sentence, a person cannot be released until doctors and the court decide that he or she is no longer a danger to society.

For this purpose, the perpetrators of such crimes, before being released from prison, must undergo a mandatory medical and psychiatric examination to determine who among them suffers from pedophilia as a mental behavioral disorder.

An offender, who is found to be dangerous as a result of assessment, is given a choice: either consent to chemical castration or isolation in a specialized medical facility.

In France, another alternative is wearing of an electronic bracelet.

At the same time, chemical castration of pedophiles is mandatory in Poland and voluntary in other European countries.

In both mandatory and voluntary chemical castration, treatment begins a certain time before release, usually a week, and may continue for the rest of life.

Chemical or surgical castration is used to eliminate the sexual desire. Chemical castration involves regular injections of drugs that block the action of the male hormone testosterone and result in complete suppression of sexual desire.

The application of medical treatment to perpetrators of crimes against sexual inviolability of minors does not contradict international norms.

For example, in the Czech Republic, where rapists are surgically castrated, 300 convicts were castrated on a voluntary basis between 2000 and 2009.

Currently, medication-based prevention of sexual offenses is used in many US states (California, Florida, Georgia, Texas, Louisiana, Montana), Canada, Israel and a number of European countries (Great Britain, France, Germany, Denmark, Sweden, Poland, Norway).

The United States have a Forced Castration Act, which came into effect in the 1990s. Under this law, chemical castration can be ordered by



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a judge if a convicted person commits a repeated crime after release from prison. There are more than 460,000 pedophiles in U.S. databases. Many of them raped several children.

American legislation establishes a clear system of control over the behavior of a released rapist of minors:

- 1) a national registry is maintained;
- 2) it is forbidden to settle in close proximity to schools, kindergartens and clinics, other public places attended by minors;
- 3) neighbors are notified about the past of such a tenant, and regular visits by the released offender to the police and the relevant psychological service are made compulsory.

In general, today in the European Union countries there are processes on toughening the punishment for pedophiles. Such crimes in Europe are punishable by imprisonment for at least 10 years. Criminal punishment is also introduced for soliciting or grooming a child on the Internet in order to gain his trust and then use him for sexual satisfaction.

According to the results of studies in European countries, 10 to 20% of children have been sexually abused in one way or another (via the Internet).

In Russia, the issue of introducing “an effective ban on propaganda and other forms of popularization of child prostitution, child pornography and pedophilia”, particularly on the Internet, is being discussed.

This was due to the fact that advertisements, announcements, recommendations and other information stimulating demand for various forms of sexual exploitation of children and provoking the commission of crimes of a sexual nature against minors were freely placed online.

The Swedish Criminal Code also places great emphasis on the protection of children from sexual abuse. Thus, it establishes more severe penalties for a person “who, by coercion, seduction or other undue influence, induces a person aged 15 to 18 to commit or participate in an act with a sexual connotation or an act that constitutes an element of production of pornographic images under other circumstances not related to the image production”.

The law defines sexual exploitation of a minor as performing a sexual act with a child under the age of fifteen. Even touching of a sexual nature – “sexual solicitation” - with a child under the age of fifteen, in the absence of signs of sexual exploitation, is punishable by appropriate penalties.

The Spanish Criminal Code provides for liability for sexual assault that “consists of physical sexual intercourse by insertion of an object, oral or anal penetration ...”. One of the circumstances aggravating the punishment for these acts is special vulnerability of the victim due to age (Art. 180).



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The Estonian Penal Code distinguishes two independent types of crime: “Sexual intercourse with a child” (Art. 145) and “Satisfaction of sexual desire with a child” (Art. 146).

In the United Kingdom, the Sexual Offenses Act of 2003 provides for life-long imprisonment for sexual intercourse and other acts involving “sexual penetration” with a child under 13 years old.

Under the law of Jamaica, sexual intercourse with a girl under the age of 12 is also punishable by life-long imprisonment.

Therefore, practically in all countries of the world crimes against sexual inviolability of minors entail a non-alternative sanction – deprivation of liberty.