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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
K A Z A K H S T A N ?

Country Monitoring Reports
and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Table of Contents

Preface	6
1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN	11
1.1 National institutions or government bodies responsible for policy coordination and implementation	11
1.2 National action plans and other policy documents	15
1.3 State monitoring of existing legislation and policies	20
1.4 State budget earmarked for combating violence against women	21
1.5 State financing system to compensate victims	22
1.6 Recommendations of the UN CEDAW Committee to the state and their implementation	22
2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE	24
2.1 Laws addressing violence against women or its different forms. Restraining or protection orders	24
2.2 Applicable provisions in criminal law	25
2.2.1 Criminal offences	25
2.2.2 Criminal procedures and prosecution	31
2.2.3 Special provisions in the defense of children	33
2.3 Applicable provisions in civil and family law for cases of violence against women	33
2.4 Victim protection and protection of witnesses	34
2.5 Legal assistance and representation for the victims of violence against women	35
2.6 Providing information for victims about their rights, obligations, and the services available	36
2.7 Mainstreaming women’s safety in laws and regulations of the national, regional, and urban planning	36
3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION	37
3.1 Professional guidelines and operational protocols for dealing with cases of violence against women	37
3.2 Legal regulations of inter-agency cooperation	42
3.3 Medium- and long-term coordinated action plans for the different professions	43
3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies	43

3.5	Leading NGOs working in the field of violence against women in the country	43
4.	SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES	43
5.	AVAILABLE SERVICES	45
5.1	Shelters	45
5.2	Hotlines	46
5.3	Crisis intervention centers	46
5.4	Intervention programs for the perpetrators	49
5.5	Other victim support services	49
6.	EDUCATION AND TRAINING	50
6.1	The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula, and the availability of sex education programs	50
6.2	Mandatory and other training programs for future professionals	50
6.3	Mandatory and other training programs for practicing professionals	50
6.4	Gender equality issues in higher education curricula and human rights programs	51
7.	THE ROLE OF THE MEDIA	51
7.1	Media law provisions concerning violence against women and the portrayal of women	51
7.2	Guidelines and codes of conduct for media professionals	52
7.3	Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women	52
7.4	Training programs for media professionals on violence against women	53
7.5	Media activity in raising the awareness of the general public of violence against women	53
7.6	Analyses on violence against women in the media	54
8.	AWARENESS RAISING	55
8.1	Campaigns on violence against women	55
8.2	Conferences and other awareness raising, information, and prevention programs	56
8.3	Information materials for the victims about their rights and the services they can seek help	56
9.	RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN	57
9.1	Research programs and surveys	57
9.2	Violence against women on the agenda of research centers dealing with equality issues	58

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN	58
10.1 Official statistics, data collection, and specific indicators on violence against women	58
10.2 NGO statistics on violence against women	61
11. CASE LAW ON VIOLENCE AGAINST WOMEN	61
11.1 Cases on violence against women before the national and international bodies dealing with human rights issues	61
11.2 Published court decisions, case studies, and analyses of case law	62
12. RECOMMENDATIONS TO THE GOVERNMENT	62
ANNEXES	63
Annex A. List of laws and regulations screened	63
Annex B. List of documents and books consulted	64

Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

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⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

The National Commission on Family Affairs and Gender Policy under the president of Kazakhstan⁵ (hereinafter, the National Commission) was set up in 1993 to protect family interests and ensure women's participation in the political, economic, social, and cultural life of the country. Initially known as the Council on Family, Women, and Demographical Policy, it was transformed in 1999 into the National Commission on Family and Women Affairs. In November 2005, it became the National Commission on Family Affairs and Gender Policy under the President of Kazakhstan. From the outset the National Commission has had advisory status. Since 1999, Samakova A. B., advisor to the president, has headed the commission.

According to the Regulations,⁶ the main objectives of the National Commission on violence against women related issues are as follows:

- to develop recommendations for the elimination of violence against women;
- to formulate and implement the complex state policy on family and gender equality, taking into account regional specifics in the context of the 2030 Kazakhstan's Development Strategy, Gender Equality Strategy for 2006–2016, and international agreements on family and gender equality signed by Kazakhstan;
- to interact with state bodies and civil society for the protection of family interests and realization of the UN Millennium Declaration and Gender Equality Strategy of the Republic of Kazakhstan for 2006–2016;
- to analyze the gender situation;
- to submit proposals and recommendations to state bodies on the priorities of gender policy in the Republic of Kazakhstan;
- to eliminate violence in the family and in the workplace;
- to implement international experience with combating violence against women, men, and children;

⁵ It was established as an advisory body under the President of the Republic of Kazakhstan on December 22, 1998.

⁶ Presidential Decree No. 56 of February 1, 2006 on the Regulations on the National Commission on Family Affairs and Gender Policy under the President of the Republic of Kazakhstan.

- to examine citizens' appellations, mass media news regarding the family and non-observance of gender equality;
- to participate in the development of conception, state, and sectoral programs regarding family and gender equality;
- to participate in preparing and reviewing bills and other normative acts directed at improving family and gender equality;
- to develop and disseminate gender-law expertise;
- to collaborate with state bodies and international organizations in developing suggestions on implementation of international initiatives; and
- to participate in conferences, meetings, and seminars on family and gender equality.

The commission, *inter alia*, has the power to demand that relevant state bodies enforce and investigate violations of laws on family and gender equality; to propose amendments to draft decrees that the president of the Republic of Kazakhstan presents for consideration to the head of the government and to the draft acts of the government of the Republic of Kazakhstan related to family and gender equality; to request that staff of the state bodies to examine the questions regarding the commission charges; to coordinate and control the activity of the commissions attached to regional *Akims*⁷ and Almaty, Astana cities, to hear their reports on implementation and activity.

Following the results of the received appeals of the citizens and mass media reports the commission can redirect the material for examination to the corresponding state body or official for acceptance of the decision essentially.

The National Commission has a working body, the Secretariat, which is responsible for the implementation of the commission's decisions, including the decisions related to the elimination of violence against women at the national level, and the structural units at oblast (province) level under the *Oblast akimat's* and in Almaty and Astana cities. The oblast level commissions formally are headed by one of the *Akim's* deputies.

Apart from the National Commission, there is no special governmental coordinating institution or body responsible for regular monitoring and evaluation of the activities to eliminate violence against women at the national or local level through regular consultation with relevant government institutions, NGOs, and experts.

After Kazakhstan's accession⁸ to the UN Convention on Elimination of All Forms of Discrimination against Women (hereinafter: CEDAW Convention), the activities of the National Commission in monitoring progress on gender equality in general,

⁷ *Akim(s)*: head of a state authority at the local level (similar to a governor).

⁸ Kazakhstan acceded to the CEDAW on June 29, 1998.

including violence against women related issues, are evaluated through the CEDAW monitoring mechanism based on state reports and shadow reports submitted by the government and NGOs, respectively, once every four years. The government of Kazakhstan submitted two CEDAW state reports in 2001 and in 2004. The NGOs submitted one shadow report in 2001. All three reports stated that violence against women is widespread in the society.⁹

The Commission for Human Rights under the President's Office¹⁰ was established in February 1996 as a consultative body under the Head of State. The commission considers claims and appeals from citizens. The commission is working with cases of human rights violations but it does not make decisions depending on gender factor. One of the commission's activities is the revision of national legislation according to the international standards and principles on human rights.¹¹

The U.S. State Department's Report on Human Rights Practices in Kazakhstan¹² mentioned discrimination and violence against women, including domestic violence, discrimination against persons with disabilities, and trafficking in persons as human rights problems.

The National Center on Human Rights (hereinafter: the National Center) conducts the analytical, informational, legal, and other kinds of support related to the Ombudsman's activity.¹³ The objective of the National Center is to be the advisory

⁹ NGOs assessed the situation in the country in the 2001 shadow report as follows: "The Republic of Kazakhstan, as a State party to CEDAW, in accordance with its obligations has taken measures to implement and ensure the effectiveness of legislation to eradicate violence against women, paying special attention to the prevention of violence and the prosecution of those committing it. With a view to adopt effective measures for the prevention and suppression of all forms of violence against women, on February 19, 1999 subdivisions to combat violence against women were established within the system of internal affairs organs, as part of the administrative police. Their activities are directed mainly towards protecting the constitutional rights and freedoms and the legal interests of women from unlawful encroachments, providing legal support to the population in questions related to the prevention and suppression of acts of violence, and analysis and correlation of the data on violence against women." See: www.women.kz/portal/template/DocumentView/user/anon?doc_id=2575&cjs_peid=P-102342665dc-10005.

¹⁰ Presidential Decree No. 3009 of June 3, 1996 on the Commission for Human Rights attached to the Presidency of the Republic.

¹¹ See: www.un.org/womenwatch/daw/cedaw/24sess.htm.

¹² U.S. Department of State, Bureau of Democracy, Human Rights, and Labor (2006) *Country Report on Human Rights Practices*, see at www.state.gov/g/drl/rls/hrrpt/2005/61656.htm.

¹³ The National Center on Human Rights was set up by Presidential Decree No. 992 of December 10, 2002.

body for Ombudsman activity and to coordinate and develop the work of the Ombudsman. The main functions of the National Center are to work with the Ombudsman in the following areas: restoring human and civil rights and freedoms; recommending legislative improvements; and educating the general public about human rights and freedoms. The Ombudsman in turn approves the structure and head of the National Center.

The National Center provides the process of appeal examination by the Ombudsman; helps to adopt measures recommended by the Ombudsman in cases of human and civil rights violations; helps to monitor human rights and freedoms in the Republic of Kazakhstan; helps to analyze and summarize information on civil and human rights and freedoms violations; and helps to develop recommendations for the Ombudsman and upon request to the government.

The Ombudsman is the executive officer supervising the observance of human and civil rights and freedoms.¹⁴ He/she has authority to take action in cases of human rights and freedoms violations; provides the existing mechanisms for human rights protection and freedoms; and is independent from other state and government bodies. The Ombudsman has the power to participate in criminal investigations and judicial proceedings; consider appeals of cases involving the violation of human rights and freedoms; participate in the work of international organizations on human rights and other human rights organizations (NGOs, public unions etc.); request initiation of a criminal case; make investigations and report results of investigations in the mass media; assist in proposing changes to legislation; and assist in promoting legal education in the field of human rights and freedoms. The financing of the Ombudsman and National Center activity is provided by the state budget.

According to the shadow report provided by women's NGOs of Kazakhstan to the CEDAW Committee in 2001,¹⁵ the Office of Ombudsman is not working as effectively as it should. Thus the women's NGOs recommended creating a mechanism for the protection of women against discrimination known as the "Ombud Institute on Women's Rights."

The Constitutional Council¹⁶ was set up in 1995. According to Article 17(2) of the Regulations on the Constitutional Council, it considers: "1. Laws adopted by the

¹⁴ The post of Ombudsman and its office was set up by Presidential Decree No. 947 of September 19, 2002.

¹⁵ See: www.women.kz/portal/template/DocumentView/user/anon?doc_id=2575&js_peid=P-102342665dc-10005.

¹⁶ Presidential Decree No. 2737 of December 29, 1995 on the Law on Constitutional Council of the Republic of Kazakhstan (with amendments by Decree No. 604-II of November 24, 2004).

Parliament for compliance with the Constitution of the Republic of Kazakhstan before submission for the President's signature; 2. International treaties for compliance with the Constitution before ratification." According to Article 17(3) "The Constitutional Council (...) provides: 1) Official interpretation of the norms of the Constitution." The Constitutional Council considers the courts appeals about recognition the act as non-constitutional if the court decides whether this or another law or normative regulations, applicable in the case, infringes upon the rights and freedoms of the citizens stipulated by the Constitution. Furthermore, the Council annually submits to the Parliament a report on the status of constitutional legitimacy based on the summary of the constitutional proceedings.

The Constitutional Council within its competence has the right to request and receive documents, materials, and other information from all state bodies and organizations and also to involve specialists in expert and scientific consultative work in the order set up by the law. The functions of the Council, however, are too broad and do not include an adequate and complete response to cases of violence against women. The financing of the activities of the Council is provided from the state budget.

The Interagency Commission to Combat Illegal Departure and Trafficking in Human Beings¹⁷ is an advisory body under the Government of the Republic of Kazakhstan on the issues of trafficking in human beings, illegal migration (including labor migration), people's entry into and departure from the country. The commission's tasks are to: analyze the current situation, make recommendations, inform the general public, improve the legislation of the Republic of Kazakhstan in accordance with international documents, and increase the efficiency of interaction among state bodies involved in the fight against trafficking in human beings, illegal migration, labor trafficking, etc. The chairperson of the commission is the Minister of Justice. Commission decisions can be characterized as recommendations only.

1.2 National action plans and other policy documents

The *National Plan of Action for the Improvement of the Status of Women in Kazakhstan for 1999–2005* (hereinafter, NAP)¹⁸ was developed by the National Commission on Women and Family Affairs in cooperation with state and governmental bodies, women's NGOs, and international organizations according to the model

¹⁷ The Interagency Commission to Combat Illegal Departure and Trafficking in Human Beings was set up by the Government Decree No. 983 of September 26, 2003.

¹⁸ The *National Plan of Action for the Improvement of the Status of Women in Kazakhstan for 1999–2005* was approved by Prime Minister's Decree No. 999 of July 19, 1999, with subsequent amendments according to Government Decrees No. 1705 of November 13, 2000; No. 808 of July 19, 2002; and No. 95 of February 9, 2006.

recommended by the UN. It reflects the priority spheres for the advancement of women in the country and includes sections on: women and poverty; education and training for women; women and health; violence against women; women in armed conflicts; women and economy; women and power structures; institutional mechanisms for women's advancement; women's rights and human rights; women and the media; women and environment; and girls. Stemming from the above, the NAP's chapter on violence against women was designed with the following objectives:

- adopt specific legislation on violence against women in line with international norms;
- collect statistics on crimes against women in line with international norms, in particular, on domestic violence against women;
- create effective mechanisms for interaction among law enforcement bodies, other governmental bodies, and civil society for providing assistance to victims of violence and support for their rehabilitation;
- organize training programs for social workers and relevant staff of law enforcement and healthcare bodies for work with women victims of violence; and
- organize information campaigns about violence against women for broad distribution.

NAP has announced deadlines and assigned responsible agencies/actors for various activities, but has not allocated funds for any activities, including those on violence against women.

Due to a strong advocacy campaign jointly implemented by the National Commission and women's NGOs, changes and amendments to the Criminal Code and to the Criminal Procedure Code were developed and incorporated into current legislation to ensure more criminal prosecution for crimes against women. According to Kazakhstan's Second State Report to CEDAW, more than 80 percent of all planned activities of the *National Action Plan* were implemented during 1999–2005.

The second report of the Republic Kazakhstan on CEDAW's implementation¹⁹ was submitted by the government to the CEDAW Committee in December 2004. This report provided data on the socio-economic changes that took place in the Republic of Kazakhstan in 1999–2003, as well as on the progress made in the implementation of the Convention. The report was prepared with the cooperation of the ministries concerned, local authorities, and regional commissions on family and women. Non-

¹⁹ Second Periodic Report of Kazakhstan to the CEDAW Committee (CEDAW/C/KAZ/2), posted by CEDAW Committee on March 17, 2005 at the webpage: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/280/45/PDF/N0528045.pdf>.

governmental and international organizations also took an active part in drafting it. The report took into consideration the final comments and recommendations of the CEDAW Committee received after the first report on Kazakhstan was presented in January 2001.

The report included the results of the implementation of the *National Plan of Action for the Improvement of the Status of Women in Kazakhstan*, which was drawn up in accordance with the 12 priority areas of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women.

The report underlined that significant results on the elimination of violence against women were achieved due to the creation of mechanisms to prevent violence against women. The number of police officers in special subdivisions created by a presidential directive in the system of the Ministry of Internal Affairs in 1999 to eliminate violence against women grew 6.9-fold (to 137). These subdivisions operate in all regions of the country and have demonstrated their effectiveness. The cooperation between state and local authorities and public associations dealing with the problems of violence against women has been facilitated by the government's decision of 2001. A draft law on domestic violence has been drawn up and introduced into the Republic of Kazakhstan Parliament in the second quarter of 2006 among the bills scheduled for consideration by the government of the Republic of Kazakhstan for 2005–2007. In 2002 and 2003, a number of laws were passed to amend certain enactments regarding illegal migration, the Criminal Code of the Republic of Kazakhstan and the Law on Tourist Activities in the Republic of Kazakhstan. These laws removed many problematic issues and play an important role in the struggle against antisocial phenomena such as trafficking in persons for purposes of sexual or other exploitation.

Along with the achievements made in effecting progress in the advancement of women, the following significant problems and obstacles were noted:

- Society still does not understand the essence or importance of introducing gender equality.
- Women are still poorly represented at the decision making level. They make up only eight percent of chief executive officers. There are no women serving as oblast or rayon *Akims*.
- Education aimed at changing the attitude of society is inadequate.
- Despite some increase in wages, the average wage for women remains lower than that for men.
- The health index for women remains low.
- Violence and sexual exploitation of women still has not been eliminated.

The *Gender Equality Strategy of Kazakhstan for 2006–2016*²⁰ (GES) was developed and finally approved in July 2005 with the following objectives: ensuring the real equality of rights and opportunities for women and men; achieving gender equality in public and political life; achieving gender equality in the economy; gender education and training; strengthening the reproductive health of men and women; achieving gender equality in the family and increasing the role of child development within the family; and developing gender sensitive public attitude. Objective 6 of the GES “On the Prevention of Gender Based Violence in the Society” contains the following measures on elimination of violence against women: further improving the national legislation on prevention of violence and crimes connected with prostitution and trafficking in people; making efforts to achieve a considerable decrease in the violence rate against men and women; developing a system of social services to assist the victims of domestic violence and to provide temporary shelter and material support, establishing labor therapy and labor rehabilitation projects for the victims of violence; and arranging awareness-raising information campaigns to educate the population on the dangers of the different forms of violence.

The GES as a policy-level strategic document does not include detailed tasks, budget, deadlines, or responsible parties. The GES noted that the following issues still have not been resolved:

- Current stereotypes concerning the family are still widespread within society: “the family is an untouchable cell of the society and society is not allowed to intervene in its private live.” Half of the victims of domestic violence do not appeal to law enforcement bodies because they fear they will be blamed.
- Police departments dealing with violence against women, are weak in terms of knowledge and capacity and do not have sufficient authority to provide adequate assistance to the victims.
- Trafficking in women is becoming a growing social phenomenon, meanwhile there is a lack of information on its forms and level.
- Victims often find themselves without passports and visas or with false documents, and become illegal migrants. As a result they do not want to contact law enforcement bodies in spite of illegal living conditions and work.

Consequently, to improve the work on the elimination of violence against women in the country the GES contains the following recommendations to all organizations concerned with solving these issues:

- to apply the provisions of the CEDAW in juridical practice;

²⁰ The *Gender Equality Strategy for 2006–2016* was adopted by a Presidential Decree.

- to ratify the UN Convention against Transnational Organized Crimes and all its protocols;
- to adopt a law on domestic violence;
- to incorporate relevant changes and amendments to the legislation of the Republic of Kazakhstan on the protection of victims of trafficking abroad and inside the country including persons who give evidence against persons suspected of engaging in the slave trade;
- to consider the possibility of setting up a national coordination center on combating the illegal trafficking of people (including women and children);
- to consider the question of setting up rehabilitation centers at state border check-points to accommodate victims of trafficking from Kazakhstan and member countries of the CIS until the circumstances of their presence abroad are explained;
- to increase criminal responsibility of perpetrators of violence against women in cases of domestic violence;
- to strengthen the structural departments of the Ministry of Internal Affairs dealing with the prevention and elimination of violence against women;
- to provide temporary shelter for women who need protection against violence and rehabilitation;
- to provide psychological support for men and women who need help overcoming difficult life circumstances;
- to organize and implement information and education (training, publication of booklets and bulletins) on the prevention of violence against women including trafficking;
- to assist in expanding international experience in the field of combating violence;
- to assist women to understand their participation in the elimination of violence against women by increasing their personal and collective self esteem and their political and knowledge;
- in cooperation with NGOs to regularly carry out gender education courses for specialists working in law enforcement and juridical bodies and for healthcare professionals;
- to support crisis centers with governmental grants for socially important projects;
- to carry out special research activities on problems of violence against women, men, and children, assessing the consequences of violence in family and public life including sexual harassment;

- to carry out preventive work with families and populations vulnerable to violence against women;
- to introduce into the educational system the program “Educating children and youth about nonviolent behavior”; and
- to prohibit all forms of gender based discrimination, verbal assault, sexual harassment, and all others forms of behavior damaging women’s and men’s dignity in the workplace.

To implement the above recommendations and achieve effective results, the National Commission has developed an *Action Plan for 2006–2008 on the Implementation of the Gender Equality Strategy of the Republic of Kazakhstan for 2006–2016* approved by the Government of Kazakhstan.²¹ This action plan includes specific activities, goals, responsible agencies, and deadlines, including those related to violence against women.

The document called *Action Plan of the Government of the Republic of Kazakhstan on Combating and Prevention of Crimes of Trafficking in Human Beings for 2006–2008* was developed and approved by the government.²² The adoption of the general plan on combating human trafficking is a great result achieved thanks to numerous women’s NGOs working on the elimination of violence against women, and is using a gender sensitive approach. The *Action Plan* prescribes the organization of information campaigns, the incorporation of the issue into educational curricula, and the provision of financial assistance to victims of trafficking. The Interagency Commission against Illegal Departure and Trafficking in Human Beings is responsible for the implementation of this *Action Plan*.

Most of the planned activities do not have sufficient funding. Only some activities will receive funds from some governmental programs to be implemented by the ministries of interior, education, media etc.

1.3 State monitoring of existing legislation and policies

State review of existing legislation and policies concerning violence against women in Kazakhstan has not been systematic. Such review usually occurs only in response to the publication of national reports to the CEDAW Committee on CEDAW’s implementation.

²¹ Government Resolution No. 600 of June 29, 2006.

²² Government Decree No. 261 of April 10, 2006.

1.4 State budget earmarked for combating violence against women

Regarding violence against women-related work, neither the Commission, nor the Secretariat has its own specific budget, and, thus, neither has funds to work on the elimination of violence against women, to deal with cases of gender based violence, or to ensure women's protection. With the exception of the budget of the Ministry of Internal Affairs, there is no line item in the state²³ or local budgets for the fight against violence against women or its different forms. There should be a line item in the central budget of the Ministry of Internal Affairs to cover the costs of the Unit on Women Protection against Violence, but this information is not available to the public. According to interviews held with women's NGOs, information on specific budget line items for the fight against violence against women or its different forms from the Prosecutors' Office, the Supreme Court, the ministries of social protection, health, and education, etc. are not available to the public either.

The inadequacy of the financial and human resources of the national apparatus for the advancement of women was noted in the Concluding Comments to the initial report of Kazakhstan on the implementation of the CEDAW Convention on a national level.²⁴

At present, the financing of the activities related to the elimination of violence against women within the framework of the GES is not ensured. The commission is mobilizing and raising funds from the government through the budgets of relevant ministries and international organizations.

Since 2005, under Law No. 36 of April 12, 2005 on State Social Order, both central and local state budgets annually grant amounts to NGOs on a competitive basis for projects in various spheres of social life, including the solution of gender-related social problems as one of the activities eligible for supporting. Violence against women is not mentioned specifically. The Ministry of Information is responsible for the allocation and distribution of these grants.

According to information from the Ministry of Information and Culture,²⁵ about 5,000 NGOs were registered in the country by 2005. According to official statistics as

²³ Budget Code of the Republic of Kazakhstan of April 24, 2004. Bulletin of the Parliament of the Republic of Kazakhstan, 2004, No. 8–9, Ct. 53; No. 20, Ct. 116; No. 23, Ct. 140, 142 (Law No. 548-II).

²⁴ “The Committee recommends that the government assess the resources of the national machinery and provide it with the necessary human and financial resources to allow it to provide leadership in the implementation of policy to ensure the advancement of women.” *Concluding Comments on the CEDAW Committee to the Initial Report of the Republic of Kazakhstan* (CEDAW/C/KAZ/1), point 27.

²⁵ Site of the Ministry of Information and Culture of Kazakhstan <http://sana.gov.kz/>.

of November 1, 2005, however, only 1,709 NGOs were actually functional, of which 13.3 percent were women's NGOs, 7.6 percent were NGOs dealing with human rights, and 6.8 percent were NGOs dealing with social protection.

The pilot grant for socially important NGO projects, made in September 2003, before the Law on State Social Order was approved, funded twenty projects with a total of 10.7 million tenge (about 57,000 euros). The second grant in May 2004 funded twenty projects with a total of 9.7 million tenge (54,700 euros). The grant under the Law on State Social Order for 2006 will be nearly 322 million tenge (about 19 million euros) for all regions of Kazakhstan.²⁶ Official consolidated information on specific NGOs that received grants for projects on the elimination of violence against women under this law is not available.

1.5 State financing system to compensate victims

There is no state financing system to compensate victims. They can seek redress of material, health and moral damages caused by a crime or other illegal action under the law. Such claims can be brought to court in either civil or in criminal proceedings. The draft Law on Gender Equality also ensures redress of material and moral damages caused by discrimination or sexual harassment.

Compensation for victims of crimes – including victims of violence against women – is provided in Articles 172, 174, and 176 of Chapter 21 on the payment for labor and compensation of expenses incurred during the proceedings of criminal cases of the Code of Criminal Procedure. There are no specific provisions relating to cases of gender based violence.²⁷

Information is not available to the public regarding the (yearly) total number of beneficiaries, the amount of money distributed for them, the number of violence against women victim beneficiaries, or the amount of money distributed for them.

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

The CEDAW Committee considered the initial report of the Republic of Kazakhstan at its 490th, 491st and 497th meetings, on January 18 and 23, 2001, and provided Concluding Comments to the report recommending “the strengthening of existing governmental national mechanisms for women by establishing gender focal points in

²⁶ *Ibid.*

²⁷ Code of Criminal Procedure of the Republic of Kazakhstan adopted on December 13, 1997, by the Law No. 207-1.

all governmental bodies. It further recommends the creation of an ombudsman's office to address issues of women's advancement and gender equality" and specific recommendations on violence against women.²⁸ The CEDAW Committee expressed its concern "at the prevalence of violence against women and girls, including domestic violence."

The CEDAW Committee urged the government "to make the issue of violence against women a high priority and recognize that such violence, including domestic violence, constitutes a violation of human rights of women under the Convention. In light of its General Recommendation 19, the committee requests the government to enact legislation on domestic violence as soon as possible, and to ensure that violence against women and girls constitutes a criminal offence and those women and girl victims of violence have immediate means of redress and protection. It recommends gender training for all public officials, in particular law enforcement officials and the judiciary, as well as health workers, to educate them about all forms of violence against women and girls. The committee also recommends that the government organize awareness raising campaigns through media and public education programs to address all forms of violence against women and girls, including domestic violence."

The committee also was concerned that "the government has not made sufficient efforts to address the issue of trafficking in women and girls. The committee requests the government to provide comprehensive information on trafficking in women and girls, as well as female migration, in its next report. It recommends the formulation of a comprehensive strategy to combat trafficking in women, which includes the prosecution and punishment of offenders and increased international, regional, and bilateral cooperation. It also recommends the introduction of measures aimed at improving women's economic situation so as to reduce their vulnerability to traffickers, and rehabilitation and reintegration measures for women and girls who have been trafficked."

The UN Special Rapporteur on violence against women, for the first time since the inception of this post, visited the Central Asian region on December 13–15, 2005, and participated at the Subregional Consultation on the elimination of violence against women in Central Asian countries, held in Almaty, Kazakhstan. State and NGO representatives – all of whom were women – from Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan took part in this meeting organized by the Canadian NGO Equitas with support from the UNIFEM Regional Office for CIS and the OSCE Centers in Almaty and Dushanbe. This meeting enabled the participants to identify the characteristics of violence against women in the region, familiarized them with international human rights instruments, including the mandate of the UN Special

²⁸ CEDAW Concluding Comments to initial report of Kazakhstan same as 13, points 28, 29, 30, and 31.

Rapporteur on violence against women, and established a regional network among NGOs working towards women's advancement. The meeting confirmed the need for a regional fact finding mission on violence against women to be undertaken by the UN Special Rapporteur on violence against women.

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

The list of legal orders on regulating the implementation of international conventions and protocols related to the protection of women and children against violence and signed by the Republic of Kazakhstan:

- Law of June 29, 1998 on the Ratification of the CEDAW Convention by the Republic of Kazakhstan;
- Government Decree No. 1851 of December 3, 1999 on the Adoption of the Initial Report on the Implementation of the CEDAW Convention (with amendments dated September 2, 2006, No. 95.);
- Law No. 18–II of December 30, 1999 on the Ratification of the Convention on Political Rights of the Women by the Republic of Kazakhstan;
- Law No. 220–II of July 4, 2001 on the Ratification of the Optional Protocol to the CEDAW; and
- Government Order No. 506 of May 6, 2004, on the Adoption of the Initial Report on Measures on Implementation of the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution, and Child Pornography.

There is no specific provision for violence against women in national legislation of Kazakhstan. Current Kazakh legislation contains difficult procedures (for all types of crimes) to hold people responsible for committing violence against women, and remedies for violence against women are not easily accessible. Therefore, only few victims of gender-based violence are applying to the police and courts on the cases of violence against women.

In 1999 the Ministry of Interior – with strong support from the National Commission – initiated the development of a draft law on domestic violence. The latest draft identified the specific types of violence against women or gender-based violence: physical, psychological, and sexual violence. The draft defines the set of persons

entitled to protection against domestic violence, public procedures for the protection of victims of domestic violence, and organizations that should provide assistance to the victims of violence. The draft contains mechanisms to ensure effective protection of victims from gender-based violence through involvement of the police and court orders against perpetrators of violence.

The representatives of judicial institutions, academia, and NGOs have contributed significantly to the draft's development and revision. Due to active and strong advocacy of the National Commission and women's NGOs, the government considered the draft and provided numerous recommendations, but the consideration by parliament was delayed several times and postponed from year to year. The draft has passed through numerous discussions at local, national, and international levels. At the moment,²⁹ the latest version of the draft is included in the 2007 Parliament's Perspective Plan of Legislative Tasks but it is not marked as a priority. The National Commission and women's NGOs still insist that the adoption of this draft law should be one of the most urgent issues, and therefore, they have included the adoption of the draft in Point 35 of the *Action Plan for 2006–2008 on the Implementation of the Gender Equality Strategy of Kazakhstan for 2006–2016*.³⁰

No restraining, protection, or barring orders are currently used in the legal system of Kazakhstan.

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

The Criminal Code of the Republic Kazakhstan was enacted in July 1997³¹ and became effective on January 1, 1998. The Code of Criminal Procedure was enacted in December 1997³² and became effective on January 1, 2006. Both the Criminal Code and Code of Criminal Procedure are gender neutral.

Domestic violence is not considered by criminal law as a separate offence. The only means for protecting victims and punishing batterers through the criminal procedure is

²⁹ This report was compiled in 2006.

³⁰ *Action Plan for 2006–2008 on the Implementation of the Gender Equality Strategy in the Kazakhstan for 2006–2016*. Approved by Government Resolution No. 600 of June 29, 2006.

³¹ Law No. 168-1 of July 16, 1997 on the Entering into Force of the Criminal Code from January 1, 1997.

³² Law No. 207-1 of December 13, 1997 on Entering into Force of the Code of Criminal Procedure of the Republic of Kazakhstan.

applying criminal law dealings with bodily injuries or other crimes. The following crimes under the Criminal Code may be prosecuted as cases of domestic violence:

- “Leaving in danger” (Article 119);
- “Rape” (Article 120);
- “Violent actions of sexual character” (Article 121);
- “Sexual intercourse and any other sexual actions with a person who have not achieved 16 years of age” (Article 122);
- “Compulsion for sexual intercourse, homosexuality, lesbianism, or any other actions of sexual character” (Article 123);
- “Depravity of minors” (Article 124);
- “Kidnapping” (Article 125);
- “Illegal deprivation of freedom” (Article 126);
- “Illegal placement into a psychiatric clinic” (Article 127);
- “Recruiting exports and transit of people for exploitation” (Article 128);
- “Calumny” (Slander) (Article 129); and
- “Insult” (Article 130).

Although current criminal legislation provides penalties for practically all kinds of domestic violence (without separating them into crimes against family members and other members of the society), existing law enforcement practice treats crimes in the sphere of domestic violence very leniently.³³ A disproportionately small number of complaints to law enforcement bodies are one of the reasons why the real scope of violence against women – and domestic violence in particular – can be assessed only through sociological surveys.

Sexual crimes are codified in the Criminal Code such as: rape, violent sexual actions, sexual harassment, sexual relations, and depravity of minors. Conjugal rape is not recognized as a separate category of crimes, lawyers consider conjugal rape as a crime stipulated in Article 120 on “Rape” of the Criminal Code.

As was reported in the above mentioned shadow report to the CEDAW Committee prepared by the Kazakh NGOs: “The new Criminal Code, in effect since January 1,

³³ Such approach is based on subjective and objective factors mutually influencing each other. Subjective factors include traditional attitudes of the society to the problems of domestic violence as “a family matter,” belief of a certain part of the society that “it’s a woman’s fault,” which gives the man the right to “punish” her. Objective factors include difficulties in proving the crime and the high probability of reconciliation between a victim and an offender, resulting in withdrawal of a writ or a claim.

1998, having abolished the penalty for sodomy (imprisonment for up to three years), at the same time introduced a new article (121) on forced acts of a sexual nature, which establishes the punishment for sodomy, lesbianism, and other sexual acts involving the use of force or the threat of its use as imprisonment for three to six years. At the same time, two new articles on sexual intercourse and other sexual acts with persons under 16 years of age (Article 122) and on coercion for the purpose of sexual intercourse, sodomy, lesbianism, or other sexual acts (Article 123), which also established, on an equal basis, the punishment for coercion for the purpose of sodomy and lesbianism, were introduced.”

In the legislation of Kazakhstan an employer has no liability for sexual harassment in the workplace. “The concept of sexual harassment does not exist in the legislation of Kazakhstan. The only act covered by the law and included in the Criminal Code as an element of a crime is forcing a person to have sexual intercourse (Article 123) or committing some other act of a sexual nature by using blackmail, by threatening to destroy, damage, or remove property by taking advantage of the victim’s material or other form of dependence.”³⁴

Trafficking in women is not specifically addressed in the Criminal Code. The prohibition on trafficking applies only to children.³⁵ Article 133 of the Criminal Code on “Trafficking in minors” provides penalties for traffic in minors and considers illegal export of minors out of the Republic of Kazakhstan and illegal importation of minors in the Republic of Kazakhstan as aggravation.

Under Article 128 on “Recruiting of people for sexual and other kinds of exploitation”, the penalty for recruiting people by fraud is one-year imprisonment or a fine. In practice criminal cases of trafficking under this article can not be proved. According to the International Organization on Migration, no criminal cases under Article 128 were considered in the Court before November 2000.³⁶

Trafficking can be also prosecuted under Article 123 on “Forcing into sexual intercourse, sodomy, lesbianism, and other sexual actions”; Article 125 on “Kidnapping of a person”; Article 126 on “Illegal custody”; Article 270 on “Involvement in prostitution”; Article 325 on “Falsification, manufacturing, and selling of counterfeit documents, stamps, seals, forms, state awards”; Article 330(2) on “Organization of illegal migration,” and some other articles of the Criminal Code.

³⁴ Monitoring of the implementation of the CEDAW Committee’s recommendations to the initial national report of Kazakhstan:
www.women.kz/portal/template/DocumentView/user/anon?doc_id=2575&js_peid=P-102342665dc-10005.

³⁵ Article 133 of the Criminal Code.

³⁶ Website of the IOM Office in Kazakhstan at www.iom.int/jahia/Jahia/cache/offonce/pid/506.

However, not even these articles identify all types of trafficking. Nor are they authorized to abolish it completely or take gender issues into account.

In 2004 the Feminist League monitored the implementation of recommendations provided by the CEDAW Committee to the initial national report of Kazakhstan and issued a report.³⁷ According to this report, the Criminal Code referred rape (Article 120) and violent sexual acts (Article 121) to particular accusation, which means that the action is brought on a statement or a complaint of a victim. Modifications were made in the Criminal Code on May 5, 2000 on the demand of women's NGOs to refer cases of rape and violent sexual acts to private-public prosecution. Those changes saved victims of sexual violence from the necessity of appealing directly to the court, independently collecting evidence on the case, and to establish information about the subject of violence. These responsibilities were given back to the law enforcement bodies (criminal police, as it was before January 1, 1998). The second paragraph of Article 120 (rape under aggravating circumstances) was referred from a category of private-public prosecution to the category of public prosecution. Consequently, prosecution of such a case can not be suspended even if the victim and offender reconcile.

On May 5, 2000 many penalties for certain kinds of crimes against women were also increased.

Prostitution in Kazakhstan is not prosecuted by the Criminal Code in Kazakhstan. Before 2001 the penalty for prostitution was a warning or a fine imposed in the form of an administrative reprimand. The Code of the Republic of Kazakhstan on Administrative Violations³⁸ ceased regarding prostitution as a penal action. However, the legislation criminalizes organized commercial sex. Criminal law defines the penalty for recruiting people into prostitution and establishing or maintaining premises for prostitution. Article 270 on "Involving in prostitution", provides a penalty of up to seven years' imprisonment for this action if it was performed with the use of violence or a threat to use violence, or by taking advantage of a dependent condition, blackmail, destroying or damaging property, or fraud. Article 271 provides a penalty of up to five years' imprisonment for organizing and maintaining of dens for prostitution as well as for pandering with mercenary aims.

³⁷ Monitoring of the implementation of the CEDAW Committee's recommendations to the initial national report of Kazakhstan:
www.women.kz/portal/template/DocumentView/user/anon?doc_id=2575&cjs_peid=P-102342665dc-10005.

³⁸ Law No. 156-II of January 30, 2001 on Entering into Force of the Administrative Code of the Republic of Kazakhstan.

There is no penalty for engaging in prostitution through employment, advertising of that activity and through other means. The law does not stipulate any liability for a client either. The law does impose a penalty for involving minors in prostitution (Article 132 of the Criminal Code) irrespective of methods used for that purpose.

Article 115 of the Criminal Code on “Infection with sexual disease” provides a penalty for infecting another person with sexual disease by someone who was aware of his disease depending on qualification of the crime. Taking into account that responsibilities of dermatologic and venereal clinics include and submitting documents of the patients with STD to law enforcement bodies, turning for official medical treatment is fraught for STD patients with undesirable contacts with law enforcement bodies.

Compulsory medical checkup of the sources of venereal infections and contact persons is stipulated in a joint instruction on investigation of the presence of sexually transmitted diseases, issued by the Agency on Public Health Care and the Ministry of Internal Affairs of July 27, 2001.

The Code on Administrative Violations includes prosecution only for evasion from medical checkup and treatment of persons who are in contact with HIV-infected people, people sick with AIDS, venereal diseases, and tuberculosis (Article 326).

The Administrative Code always serves as a ground for arrest of CSE’s by the criminal police. One of the compulsory measures in respect to CSE’s is tests for HIV and AIDS and forced treatment of STD’s.

There is no express penalty for violence perpetrated or condoned by the state or its officials in violence against women related cases according to the Criminal Code.

Women’s NGOs made the following recommendations on the criminal legislation to the government:³⁹

- It is necessary to adopt the Law on the Prevention and Suppression of Domestic Violence as soon as possible with simultaneous modifications in the criminal and administrative legislation, as well as in responsibilities of the court system and law enforcement bodies.
- Police departments involved in combating domestic violence should be reinforced in compliance with the new law.

³⁹ Monitoring of the implementation of the CEDAW Committee’s recommendations to the initial National Report of Kazakhstan:
www.women.kz/portal/template/DocumentView/user/anon?doc_id=2575&js_peid=P-102342665dc-10005.

- It is necessary to provide gender education of all governmental officials, especially those working in law enforcement bodies and departments of justice as well as healthcare officials.
- The model of combating domestic violence based on the Law on the Prevention and Suppression of Domestic Violence will require considerable efforts on behalf of law enforcement bodies and the court system. It is obvious that promotion of such model should be carried out, taking into account regional peculiarities.
- It is necessary to investigate thoroughly the interrelation between articles of the Criminal Code prosecuting infection with venereal diseases and AIDS and efficacy of combating these diseases and, if necessary, to modify legislation in this respect. Certainly, opportunity for anonymous treatment of these diseases should be provided for in the legislation.
- It is necessary to pass normative acts aimed at combating trafficking that will stipulate liability for organizing and promoting trafficking in people, release of victims of trafficking from liability for using forged documents, illegal crossing of borders, and similar infringements which were in fact arranged by criminal groups.
- It also seems necessary to establish special groups for combating organized trafficking since this type of criminal activity exceeds the bounds of common crimes and the fight against it will not be possible without concernment on behalf of the bodies of internal affairs and probably frontier guards.
- It is necessary to transfer Article 136 on “Persistent evasion from paying means to support children and nonworking parents”; Article 140 on “Persistent evasion from paying means to support a nonworking spouse”; Article 105 on “Causing light injury to health”; Article 112 on “Threat”; Article 123 on “Compulsion to intercourse, sodomy, lesbianism, and other sexual actions”; and Article 145 on “Violation of inviolability” from a category of private accusation to a category of private and public or public accusation.
- It is necessary to revise positive discrimination in the Criminal Code in terms of severity of punishment that can be an alternative punishment and that can not be applied to pregnant women and mothers with under-age children (the same measures should be stipulated for single fathers with under-age children) and to women over 55.
- Age limit of 55 years for women and 60 years for men should also be revised in the context of modern pension legislation.
- It is necessary to include an explicit definition of sexual harassment in the Kazakh legislation.

- It is necessary to provide partial financing of crisis centers and shelters for victims of violence to ensure continuity of their work.⁴⁰

2.2.2 Criminal procedures and prosecution

The same special procedures, procedural provisions (possibility of quick, accelerated procedures, etc.) are applied in cases of violence against women as well as in cases related to other crimes.

According to Article 32 of the Code of Criminal Procedure (Cases of Private, Private-Public, and Public Prosecution) all crimes are prosecuted in the following ways:

Private prosecution is initiated by the victim's written claim and may be dismissed if the victim and the perpetrator reconcile. The following crimes related to violence against women are subject to private prosecution:

- Intentional causing of mild harm to health (Article 105);
- Careless injury to health (Article 111);
- Threat (Article 112);
- Forced sexual intercourse, homosexuality, lesbianism, or other actions of sexual nature (Article 123);
- Defamation (Article 129);
- Insult (Article 130);
- Malicious avoiding of the payment of aliments for the maintaining of children or invalid parents (Article 136);
- Malicious avoiding of the maintaining of the invalid spouse (Article 140);
- Breach of immunity of private individual life (Article 142);
- Disclosure of a medical secret (Article 144); and

⁴⁰ The same document also contains recommendations for international organizations:

- Render consultative and other kinds of support in improving national criminal legislation and in gender education of governmental officials, officers of law enforcement bodies, and departments of justice and the healthcare system; and
- Render assistance and support to public organizations working in the sphere of protection and rehabilitation of victims of violence.

The recommendations to NGOs are the following:

- Conduct gender education of governmental officials, officers of law enforcement bodies, and departments of justice and the healthcare system; and
- Improve the work of crisis centers and shelters for victims, to expand their network, to conduct work in prevention of domestic violence and trafficking and informational campaigns.

- Breach of inviolability of the home (Article 145).

Private-public prosecution is initiated by the victim's written claim and may be dismissed if the victim and the perpetrator reconcile only in cases foreseen under Article 67. The following crimes related to violence against women are subject to private-public prosecution:

- Intentional causing of grave damage to health (Article 103);
- Intentional causing of middle to heavy damage to health (Article 104);
- Illegal abortion (Article 117);
- Rape (Article 120);
- Violent sexual actions (Article 121);
- Illegal imprisonment of a person (Article 126);
- Disclosure of an adoption secret (Article 135); and
- Abuse by trustee's and guardian's rights (Article 139).

Public prosecution is initiated without a victim's written claim and can be closed, if the victim and the perpetrator reconcile only in cases not included in parts 2 and 3 of Article 34. The following crimes related to violence against women are subject to public prosecution:

- Battery (Article 10);
- Murder (Article 96);
- Murder in the State of Affect (Article 98);
- Negligent Murder (Article 101);
- Forcible Suicide (Article 102);
- Torture (Article 107);
- Medium or Severe Personal Injury in the State of Affect (Article 108); and
- Hooliganism (Article 257).

Violence against women and children is not directly defined as an aggravating or decisive factor in deciding about prosecution in the public interest. The Criminal Code recognizes aggravating or mitigating circumstances concerning punishment for all types of crimes. There are no special notes regarding cases of violence against women. But some of the circumstances may have special importance in violence against women cases.

2.2.3 Special provisions in the defense of children

There are no separate articles in the Criminal Code related to the protection of children who have suffered from sexual or other kinds of violence. All measures of prevention listed in the law are common to all kinds of crimes and the same for men and for women. But Article 9 on “The child’s right for identity and its preservation” of the Law on the Rights of the Child in the Republic of Kazakhstan states: “the state is providing personal immunity and protection (to a child) against physical and psychological violence, severe, rude treatment or neglect, sexual actions, involvement in criminal activity, and antisocial activities.”⁴¹

2.3 Applicable provisions in civil and family law for cases of violence against women

According to Article 27 of the Constitution, “marriage and family, maternity, paternity, and childhood are under the protection of the society and State.”

There is no mention of the principle of equality on the basis of sex in Article 2 of the Civil Code.⁴² Direct grammar interpretation of some norms of the Civil Code can be understood as deprivation of certain human rights of women, using a male gender in some cases.

The Law on Marriage and Family of the Republic Kazakhstan⁴³ regulates the marriage relationship. The main principles are equality of rights in the family, the priority of the family education of the children, protection of the rights and interests of young people and disabled family members, and free will of women and men in the marital union.

According to Article 10 of this law, the age limit of marriage for men and women is 18 years, but if the marital partners have important reasons this age requirement could be lowered by up to two years, and only with the parents’ approval.

Article 29 of the law states that the marital partners have equal rights, opportunities and responsibilities. The relations in the marital union should be built on the principles of respectfulness and mutual help. There is no direct sex discrimination in

⁴¹ Law on the Rights of the Child in the Republic of Kazakhstan. Adopted by Presidential Decree No. 345-II of August 8, 2002.

⁴² Law No. 410-1 of July 1, 1999 on Entering into Force of the Civil Code of the Republic of Kazakhstan.

⁴³ The Law on Marriage and Family of the Republic Kazakhstan was approved by Presidential Decree No. 321-I of December 17, 1998. Later several subsequent adopted changes were incorporated by Presidential Decrees No. 276-II of December 24, 2001; No. 13-III of December 20, 2004; and No. 116-III of January 10, 2006.

the law. However, in practice the family does not protect women against indirect discrimination, and in particular, there still exists discrimination in traditional and religious marriages with respect to women's property rights.

The Law on Marriage and Family regards encroachment on sexual inviolability of a child as one of the reasons for deprivation of parental rights (Article 67) and cancellation of adoption (Article 95). In case of finding features of the penal action in the parents' behavior (or one of the parents) in the process of consideration of case on deprivation of parental rights, the court must inform the prosecutor with a particular resolution about that (Article 68 of the Law on Marriage and Family).

According to Chapter 5 (Property Issues in Criminal Process) of the Code of Criminal Procedure,⁴⁴ like the victims of any other crime, victims of violence against women have various means to seek redress for physical, health, and mental damages caused by crimes or other illegal actions by persons or legal entities. Chapter 5 contains general provisions on redress of physical and mental damages caused in all cases, including violence against women.

Civil claims for redress of damages can be brought to court in civil proceedings or in criminal proceedings incorporated in a criminal case. A civil claim incorporated in a criminal case is preferable for the victim, because the victim then need not pay court expenses; in addition, the process of proving the victim's claim is then easier, because the investigator, prosecutor, or court is obliged to determine the facts and circumstances of the case.

2.4 Victim protection and protection of witnesses

The Law on State Protection of Persons Participating in the Criminal Process⁴⁵ does not treat victim protection or witness protection differently for cases related to violence against women than for all other crimes. No special conditions (e.g., *in camera* hearings, special rooms for questioning, etc.) are prescribed for hearings relating to victims of gender based violence in order to avoid secondary victimization, repetition of testimony, unwarranted questioning, etc.

The measures listed below are related to the security of persons participating in the procedures:

⁴⁴ Chapter 5, Articles 162–176 of the Code of Criminal Procedure.

⁴⁵ Law on State Protection of Persons Participating in the Criminal Process. Approved by Presidential Decree No. 72-II of July 5, 2000. Changes dated No. 3-III of December 20, 2004.

- Restricting access to information about the accused (Article 9). Restricting access may include deletion of criminal case material and personal data, storage of personal data separately from the main clerical file, and using pseudonyms;
- Closed court sessions (Article 12). To provide security for the accused, the presiding officer can, upon the motion of one of the parties, order that the court session be closed;
- Examination of witnesses by the court (Article 13).⁴⁶ The examination of the person can be conducted without publishing personal data, or out of view of the other participants; and
- Temporary safe placement (Article 16) of the accused.⁴⁷

The Code of Criminal Procedure contains provisions regarding questioning minor witnesses or minor victims of crimes. Questioning of minor witnesses under 14 years old, and by decision of the investigator, minors of less than 16 years old must be conducted in the presence of a pedagogue. Other legal representatives of minors may be present in case of necessity.⁴⁸

General data protection laws that are applicable to any crime can be applied to cases of violence against women. There are no special provisions in the law regarding the defense of professional service providers dealing with violence against women cases.

2.5 Legal assistance and representation for the victims of violence against women

Free legal aid for victims of violence against women before and during the procedures is provided on the same basis as for victims of other crimes. Victims of violence against women have access to legal representation and assistance by public or private

⁴⁶ Witnesses can be examined by pseudonym, without publishing personal data. Witnesses can be examined from the prosecution side of the court after removal of the accused and his or her representatives from the defense side. If it is necessary, the examination can prevent recognition of the accused, by using a mask, an instrument for voice changing, make-up, or other measures that do not violate the law on protection.

The examination of the person out of view of the other participants can be accomplished by such means as: video; folding screen; safety screen, with a limited number of participants; and warnings regarding confidentiality. If it is necessary, the chairman can prohibit the use of video recorders and other kinds of recording of the examination process.

The court may rule on and implement these procedures upon a motion of the parties.

⁴⁷ If it is necessary, an accused who has reached legal age can be given temporary safe placement, with his or her approval; an accused minor may be given temporary safe placement only with his or her parents' or representatives' approval.

⁴⁸ Article 215 of the Code of Criminal Procedure of Kazakhstan.

organizations working in the field of violence against women. Usually crisis centers provide such assistance, and they finance the services. The main condition for taking advantage of such services is the application of the victim to the crisis center.

According to the Code of Criminal Procedure, victims of violence against women enjoy all the rights and measures of protection and prevention of injury as do other persons participating in the criminal process.⁴⁹

2.6 Providing information for victims about their rights, obligations, and the services available

According to the Code of Criminal Procedure,⁵⁰ the victim(s) of all crimes, including violence against women related cases, have a right: “to know the accusation against the perpetrator; provide proofs; to appeal and object; (...) to be acquainted with the protocols of legal proceedings held with the participation of a victim, and to provide comments to these protocols; to participate in legal proceedings allowed by the prosecutor and conducted according to victim’s appeal; to be acquainted with all materials of the case upon the completion of the investigation; to receive any data and in any volume from the files; to receive copies of the documents on initiating the criminal case, the recognition of him/her as a victim or, on the rejection, to recognize him/her as a victim, on termination of the case; to receive a copy of the accusation statement and of the sentence; to receive copies of sentences and of the decision of the appellate court; to support the accusation; to be acquainted with the protocol of court meetings and to provide objections; to appeal the findings of the investigating body; to be informed about the appeals and objections of the other participants of the legal proceeding; and to participate in the court meeting on the consideration of claims, appeals, and protests in the appellate court.”

2.7 Mainstreaming women’s safety in laws and regulations of the national, regional, and urban planning

At present, issues of violence against women and women’s safety are not included separately as priorities in national, regional, rural or urban planning processes and guidelines.

⁴⁹ Such as judges, members of the jury, prosecutors, examining officials, specialists, persons doing the executive and crime detection activity, defense lawyers, experts, investigators, secretaries of the judicial session, persons affected, affiants, suspected persons, the persons brought to trial, translators, identifying witnesses, the legal representatives, representatives, the civil petitioners and defendants, the members of families, and other relatives.

⁵⁰ Article 75 on “The victim” of the Code of Criminal Procedure of Kazakhstan.

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

The Division on Protecting Women against Violence under the Ministry of Internal Affairs⁵¹ (hereinafter: DPWAV) is a structural unit of the Administrative Police Department (hereinafter: APD) of the Ministry of Internal Affairs of the Republic of Kazakhstan. Under the initiative of the National Commission, the DPWAV was established in 1999 pursuant to the *National Action Plan for the Improvement of the Status of Women in the Republic of Kazakhstan for 1999–2004*.

The activity of the DPWAV is based on the legal principals, constitutional rights, and personal freedoms under the Constitution of the Republic of Kazakhstan, the Universal Declaration on Human Rights, CEDAW, the law on Internal Affairs Agencies in the Republic of Kazakhstan, the Code on Marriage and Family, and Criminal and Administrative Codes and other regulations. The DPWAV has branches at national level and at local level in all 14 *oblasts* (provinces) of the country. These branches closely cooperate with the National Commission and all levels of the oblast commissions on family and gender policy, departments of social protection, law enforcement and state bodies, women's NGOs, and civil society. The main objectives of the DPWAV are:

- to protect the constitutional rights, freedoms, and legitimate interests of the women against illegal invasions;
- to coordinate the activity of the DPWAV branches on violence against women;
- to implement analytical research on types and forms of the violence against women, including the reasons and circumstances of such violence; and
- to provide legal help to prevent and eradicate violence against women.

According to its regulations, the DPWAV has following responsibilities:

- to summarize the incidence of the following effects of violence against women: alcohol abuse, drug abuse and use of psychotropic substances or other substances, withdrawing from society; prostitution, pandering, the den's holding, and the effects of violence on the rest of the family, including sexual harassment;

⁵¹ Order No. 535 of October 26, 1999, of the Ministry of Internal Affairs on Regulations on the Work of the Divisions of the Ministry of Internal Affairs on Protecting Women against Violence.

- to interact with the Criminal Police Divisions, the courts, the criminal executive structure of the internal affairs agencies, and other law enforcement bodies on how to prevent prostitution, pandering, the den's holding, various types of exploitation of women and children, and other kinds of unlawful sexual and pornographic activity;
- to explore the underlying reasons and circumstances for the violence and to take action to reduce and eliminate such reasons and circumstances;
- to analyze and summarize the statistical information on crimes and unlawful acts against women;
- to arrange the explanation to the public in mass media of the regulatory requirements of relating to family, relationships, and social moral;
- to engage educational, cultural, and healthcare organizational entities as well as labor collectives, public unions, governmental and non-governmental agencies and entities to participate in discussion of the topical questions discussed in this article and to discuss solutions;
- to conduct sociological research and interviewing of the women registered with the Ministry of Internal Affairs agencies, the women residing in detention facilities and the women who regularly visit the reception facilities and the Medical Department of Sobriety for researching the reasons and circumstances underlying the crimes and unlawful acts against women;
- to collaborate with the Ministry of Science and Education, Ministry of Health, and the Ministry of Tourism and Sport of the Republic of Kazakhstan to organize the research to prevent the proliferation of pornographic publications, films, videos, and other materials promoting the cult of cruelty and violence;
- to provide information and education to the public to help change negative gender-based stereotypes;
- to analyze official investigation reports to summarize the reasons and circumstances facilitating violence against women; and
- to summarize the negative consequences of pandering, the den's holding, and prostitution involving women and children or other forms of violence in mass media.

The officers of the DPWAV have a right:

- to summon the person accused of committing an unlawful act against a female partner, spouse, or family member to the Ministry of Internal Affairs to explore the factual reasons and circumstances underlying the violent acts;

- to place requests and receive data needed to research the underlying reasons and circumstances of violence against women from the officials at the applicable plants, agencies, organizations, and educational institutions;
- to register and record the facts underlying violent acts against women and take responsive action as permitted by the applicable regulatory framework in cooperation with the crisis centers; and
- to consider the petitions and appeals to the physical and judicial bodies regarding violations of the constitutional rights and freedoms of women.

The staff of the DPWAV is recruited based on the following criteria: graduate degree in law and at least five years practical experience with the internal affairs agencies. Those staff members of the DPWAV that shifted from other divisions of the internal affairs agencies should pass special training courses.

The DPWAV branches are located at the local departments of internal affairs. Financing of the DPWAV is provided by the republican and local budgets. Local executive bodies can provide financial support from their budgets to support the additional officials of the DPWAV. The material and technical provision (transport) is provided at the expense of the local budgets of the executive bodies.

The results of the DPWAV activities should be reflected in the statistical information and are included in police reports at local level. The DPWAV officers must submit quarterly reports on the results of their activity on the elimination of violence against women to the ministry level DPWAV with the following information:

- analysis of the criminal cases on violence against women with the recital of the reasons and circumstances underlying such crimes, the characteristics of the person who committed the crimes, and categories of the women subjected to the violence;
- a summary of DPWAV's interaction with the other internal affairs divisions;
- analysis of the reasons and circumstances facilitating violence against women;
- a summary of the actions taken towards the eradication of the reasons and circumstances facilitating violence against women;
- a summary of the interaction with the crisis centers and the assistance provided to the victims of violence;
- a summary of actual and methodological assistance including the results of the related business trips to the regional and city internal affairs agencies; and
- a summary of the interactions with state agencies, NGOs, and public unions providing the protection of the constitutional rights and freedoms of women.

In 2003, the Department of Public Security of the Ministry of Internal Affairs developed and approved the Special Methodological Recommendations⁵² for the police departments on issues related to violence against women as follows:

With the purpose of realizing the tasks regarding the protection of the constitutional rights and freedoms and legal interests of women against unlawful invasions, the DPWAV staff have to undertake the following actions:

- coordinating the activity of the DPWAV in the field of prevention and eradication of violence against women;
- summarizing and analyzing the information on types, forms, and means of violence, on categories of the women frequently suffering from violence, on the persons committing violence and on the reasons and circumstances facilitating the committing of the crimes and unlawful acts against women;
- tracking the number of crimes and unlawful acts against women, providing for timely updating of the automatic database;
- providing suggestions to law enforcement agencies, the local executive, representative, and state bodies and public unions regarding their activities on protection of women from violence;
- informing the public through media on the prevention of crimes and unlawful acts against women and timely reaction to the publications which violate women's dignity, authority, and family well-being;
- taking action in accordance with the law of the Republic of Kazakhstan on findings relating to the distribution of pornographic materials and other items involving cruelty and violence; and
- interacting with the Department of Internal Affairs divisions, the criminal-executive system of the juridical bodies with the Office of Public Prosecutor, and other law enforcement bodies on questions regarding the prevention and eradication of crimes and unlawful acts against women.

The activity of the divisions subjected to the DPWAV and local departments of internal affairs on protecting the women from violence should be based on plans prepared on a quarterly basis. Clean, formulated, and concreted actions should be included in these quarterly plans (hereinafter: the Plan).

The planning process of the DPWAV's work should be based on analysis of operative data and the results of implemented preventive action and other kinds of actions aimed at the prevention and eradication of violence against women, including the results of

⁵² *Digest of the methodological recommendations for the organization of the work of the Internal Affairs bodies on protecting women from violence.* Almaty, 2003.

research concerning the types, forms, and methods of violence, and the reasons and circumstances facilitating the crimes.

The Plan should include actions to be taken by the DPWAV as permitted under the regulatory acts of the Republic of Kazakhstan, the collegiate agency's decisions and operative meetings, the plans of the National Commission on Family and Gender Policy under the President of the Republic of Kazakhstan, including the Ministry of Internal Affairs and other state bodies.

The items listed below must be included in the plan:

- giving suggestions for the operative-preventive actions directed on detection, prevention, and eradication of violence against women, analytical research on the forms, types and methods of violence against women, including the circumstances and reasons underlying the crimes;
- creating an electronic database on kinds, types, and character of the circumstances underlying violence against women;
- providing legal help for the public by organizing a public announcement to be made via mass media regarding the prevention of crimes and unlawful acts against women;
- studying the reasons and circumstances facilitating the crimes and unlawful acts against women by acceptance of the citizens;
- studying the reasons facilitating the violent acts by analyzing the facts underlying the crimes committed against women;
- maintaining regular interaction with the criminal police, the investigative bodies, and the police divisions on combating organized crimes, public security and the prevention and eradication of violence against women;
- organizing interaction with the Commissions on Family and Women subjected to the regional *Akims* and with the NGOs, public unions from the regions, and carrying out those actions directed to the protection of women against violence;
- controlling and rendering the methodological and actual help for the divisions, to prepare the methodological recommendations for improvement of the divisions' activities, and organize actions for increasing the professionalism of specialists;
- discovering and sharing with others the progressive experience of working;
- informing the commissions on women and children and interested bodies about crimes against women and about measures taken on prevention of such crimes and to give concrete suggestions for improving the work on eradication of the violence against women; and

- exploring all kinds of information (including registered complaints, appeals, publications in the mass media, information from the Register of Administrative Violations, the results of raid actions, all information received from other DIA divisions, and information received from public unions).

According to the Special Recommendations Regarding Police Work “the reception of the citizens should be required to be made in a separate room, in calm and confidential surroundings. The citizen who has made a complaint should be carefully listened to by the inspector.”⁵³

3.2 Legal regulations of inter-agency cooperation

The document called *Regulations on the Interaction between the State Bodies, Organizations, and Public Unions Engaged in Solving the Problem of Violence against Women* was approved by Government Order No. 346 of March 12, 2001.⁵⁴

The strategic goal of this document was to organize interaction among the state bodies, interested organizations, and public unions engaging in the problem of violence against women for rendering more effective help for the women victims of violence in compliance with Kazakhstan’s commitments to implementation of the Beijing Platform for Action and the *National Plan for the Improvement of the Status of Women*. The main objectives of this regulation is to ensure the observance of the constitutional rights, freedoms, and legal interests of the women; provide actual help for the victims; research the types, kinds, and forms of violence against women; provide legal aid for the general public; implement joint training among DPWAV and crisis centers; develop social programs for improving the status of women; and develop and adopt relevant legislative changes.

The regulations enable a mutual exchange of information between state bodies, organizations, and public associations involved in the elimination of violence against women and facilitate the measures to be taken by different actors.

At present, there is no systematic mechanism to involve NGOs working in the field with the drafting, designing, implementation, and evaluation of laws and policies.

⁵³ Order No. 6 of February 10, 2003 on Probation and Enactment the Instruction “On registration and consideration of the appeals, complaints, and other kind of information regarded to the crimes and incidents” issued by the General Prosecutor’s Office.

⁵⁴ With subsequently approved amendments according to Government Decree No. 138 of February 28, 2006.

3.3 Medium- and long-term coordinated action plans for the different professions

N/A

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

N/A

3.5 Leading NGOs working in the field of violence against women in the country

The biggest NGO dealing with violence against women related issues in the country is the Union of Crisis Centers. This union was established in 2001 and now has 20 members (NGOs from all *oblasts* of Kazakhstan and the city of Almaty). The majority of the members are women's support centers and crisis centers. The primary areas of work are prevention of violence and protection of rights and interests of victims of violence through the implementation of existing legal mechanisms.

The NGO Feminist League, established in 1993, works at the national level. Its primary goal is to promote the equality of women and men in all spheres of life (economic, political, social, and cultural) and to reduce violence against women. The Feminist League has significantly contributed to increased awareness on issues related to violence against women through its trainings on gender issues and publications. The Feminist League is a member of various international women's networks.

Other women's NGOs do not deal with issues related to violence against women in a systematic way and are only occasionally involved in the elimination of related activities.

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

After Kazakhstan's accession to the UN CEDAW Convention, the National Commission pushed through a government decision to set up a special division on combating violence against women, which a special division established within the Ministry of Internal Affairs in 1999.

The activities of DPWAV are implemented in accordance with *The Regulations on the Division on Protecting Women against Violence under the Ministry of Internal Affairs* approved by the Minister of Internal Affairs. The regulations are summarized above. The regulations identify the objectives, rights, and reporting responsibilities of the DPWAV staff. The number of police officers in special subdivisions created to eliminate violence against women grew to 137. These police officers operate in all regions of the country and their effectiveness has been demonstrated.⁵⁵

One of the main objectives of DPWAV staff is to have direct contact with victims of violence against women, to clarify the reasons and facts which facilitated the violence against women, and to undertake specific measures.

Several crisis centers were opened under the initiative and with the direct assistance of the National Commission. These crisis centers are funded through local budgets. The staff of DPWAV cooperates with these and the non-governmental crisis centers. The DPWAV staff sends victims of violence to the crisis centers and shelters for a period of time necessary to eradicate the causes of violence and to undertake measures against the perpetrators of violence.

Also, the activities of DPWAV are aimed to coordinate the activities of police departments at national and local levels in order to protect women against violence.

Serious attention is paid to the activities of local departments of internal affairs to increase the awareness of violence against women, the dissemination of information to prevent and decrease the crimes against women, and to protect women's legal rights and interests. The staff of DPWAV systematically contacts the media and delivers lectures to various organizations and educational institutions. Their main purpose is to raise the legal literacy of women about their rights, to disseminate information on measures undertaken in cases of violence against women and activities of state bodies and NGOs, and to provide professional counseling as well as legal and psychological assistance to victims.

In cooperation with the *oblast* commissions on family and women affairs, the DPWAV staff conduct special prevention activities and events such as "Domestic Life," "The Family," etc. As part of these activities, they provide individual preventative consultations for persons who commit violence against family members. Along with this work, the staff of DPWAV conducts various seminars, workshops on the elimination of violence against women in all regions, and partners with other state bodies, NGOs, and local commissions on family and women's affairs.

The officers of DPWAV are still facing the following challenges in their work:

⁵⁵ *Second Periodic Report, ibid.*

- At the present time, DPWAV officers have to combine their responsibilities of an ordinary police officer with the responsibilities of a DPWAV officer.
- Lack of the budget to ensure that posts of DPWAV officers can be established not only at the *oblast* level, but also at district and town level and in rural areas closer to the population.
- Due to regular restructuring of the law enforcement bodies, in general, and the Ministry of Internal Affairs, in particular, there is a continual threat that DPWAV could be closed down entirely or joined with other police units.
- Absence of officially approved rules and standard methodologies for DPWAV officers for interviewing victims of violence.
- Absence of sufficient technical equipment: laptops, videos, cameras, and audio recorders to collect evidence of violence against women in a quick and adequate manner for subsequent legal proceedings and presentation these to the court.

5. AVAILABLE SERVICES

5.1 Shelters

In 1999–2005, few NGOs undertook attempts to set up and run special shelters for victims of violence. At present, only one shelter operates in a more or less stable way in Almaty under Podrugı crisis center. Formerly, there were only three shelters operating. Placement in the shelter of Podrugı crisis center is free of charge for the victims. This shelter provides medical, psychological, social, and legal help and assistance. Immediate help is provided as well.

Since this is the only shelter operating in the country, only the victims from Almaty have access. Victims from other parts of the country or from rural and remote areas do not have access to it. The services of shelter are not available for migrant women. The shelter is run by an NGO; the source of funding is grants from international donors, such as HIVOS and the Soros Foundation. This shelter has the conduct or regulation of operation with specific provisions concerning guidelines for treatment of victims and multi-agency work. This shelter does not have special facilities or training for dealing with children. Evaluation reports and analysis about the work and cases are not available.

5.2 Hotlines

According to official data,⁵⁶ all hotlines specialize in providing legal, psychological, and social consultations. Each region in Kazakhstan has its own crisis center, one large center and several smaller ones, all of which have their own hotlines. At least one large center in each region has a hotline which works around the clock. Often, hotlines in the crisis centers work five days a week from 9 a.m. to 7 p.m. For the most part, the hotlines deal with cases of domestic violence and sexual violence and rarely with sexual harassment and economic and psychological violence in the framework of domestic violence. All hotlines are free of charge for the inhabitants of each region where they are situated. The telephone numbers used for these hotlines belong to the state. Unfortunately, evaluation reports and analysis about the work, calls, and main findings of the reports are not widely available to the public.

5.3 Crisis intervention centers

During the period from 1999–2004, 38 crisis centers for women and children were opened almost in all regions of Kazakhstan. These centers are mostly supported through grants of international organizations. According to the estimates of the Union of Crisis Centers of Kazakhstan, there are 20 centers. Only two centers – one in Almaty and one in Pavlodar – are financed from local budgets.⁵⁷

Government crisis centers are registered as government institutions and are financed from local authority budgets. According to a survey conducted by the Feminist League “government centers have their own premises and personnel, the maintenance cost of which is covered by budget resources. The rest of the expenses (personnel not including staff, publications, and educational materials for the public) are not reflected in the expense items, and accordingly, the amounts spent on them are not recorded. The maintenance cost of personnel depends on the tariff and scale existing in budget categories.”⁵⁸

It is a real problem for governmental crisis centers to preserve a center. The activity of crisis centers is regulated at an interdepartmental level (Ministry of Labor and Social Protection, Ministry of Economy and Budget Planning, and Ministry of Public Health). As a result, financing of crisis centers is not defined in the new Budget Code. One reason for this is the lack of a legal basis for the activity of the crisis centers for

⁵⁶ *Second Periodic Report, ibid.*

⁵⁷ *Ibid.*

⁵⁸ M. Tsyganenko and N. Mamkova (2005) *Assessment of the Level of Institutional Development of Crisis Centers in Kazakhstan.*

women. In the present Budget Code,⁵⁹ there are no articles providing financing for women's programs. The only possibility found by state officials who are interested in the preservation of crisis centers is item 53 which finances programs for people without permanent residence.

The activity of the crisis centers in Pavlodar and Kostanai is the result of the participation of local government officials interested in the destiny of the crisis centers. Non-governmental crisis centers criticize governmental crisis centers and claim that they are unsuitable for working with victims of violence. The structure of governmental crisis centers and their functions, including the hotline, were preserved. The shelters operate with a full set of services including accommodations, meals, legal and psychological consultations, and medical investigations. *Akimat* not only preserved this center, but also solved one more problem – that of organizing assistance to women without permanent residence, as this category of persons was not admitted to municipal shelters. As the basis for their action, the representatives of the Department of Labor and Social Protection argued that Item 3 of the *National Plan of Action for the Improvement of the Status of Women* makes provision for the activity of the crisis centers. However, it is difficult to put this item into action without funding, so the financing of crisis centers is determined on a local level.

The following are examples of the problems and solutions involved in preserving governmental crisis centers:

“On June 3, 2005, the Nadezhda crisis center, part of the Hospital of Emergency Medical Care, was closed despite the fact that the Department of Coordination and Employment of Social Programs approved the budget in the amount of 4 million tenge (21,300 euros). The interdepartmental character of the center's activity led to the closing down of the center, which was supervised by the *Oblast* Department of Public Health.

In 2004 the operational budget of the center in Pavlodar was 4 million tenges (21,300 euros); in 2005 a budget in the amount of 5.8 million tenges (30,900 euros) was considered. For purposes of comparison, the annual operational budget of the crisis center in Kostanai (which also operates in the framework of the program of providing assistance to people without permanent residence) is 10 million tenges (53,200 euros).

The crisis center in Pavlodar was registered as a state institution, but its establishment was initiated by the leader of a public organization, who at the same time was the director of the crisis center. Article 5 of the Constitution takes a clear position regarding the status and credentials of crisis centers. It did not allow the previous

⁵⁹ Budget Code of April 24, 2004 (Bulletin of the Parliament of the Republic of Kazakhstan, 2004, No. 8–9, p. 53; No. 20, p. 116; and No. 23, pp. 140, 142).

center to position itself as a public organization and to draw resources from donor agencies. Over time the issue of the financing of the center became more critical. Because of a problem in the legislation for the development of women's programs, the *Akimat* was forced to solve the issue of the preservation of the center very quickly. It was necessary to increase its profile by enlarging the target group. By focusing on women with children without permanent residence, the crisis center could be included in Budget Code Item 53 (social programs for persons without permanent residence). In the framework of social programs for persons without permanent residence, the crisis center in Pavlodar was preserved. In January 2005 it was registered as a state institution, the Municipal Center of Social Adaptation for Women, under the supervision of the Department of Labor and Social Protection. The Municipal Center of Social Adaptation for Women is a nonprofit organization established for providing social, legal, psychological, and medical assistance to women with children without permanent residence and/or who are victims of violence. This was approved by Head of the Department of Employment and Social Programs, Akimat, Pavlodar.

The other crisis center in Kostanai exists as an extra-stationary department of the Kostanai Oblast Psychiatric Hospital. The center provides urgent psychological assistance through a hotline and consultations with psychologists and psychotherapists. As soon as the activity of the crisis center goes beyond these boundaries – by providing shelter and meals to women, drawing up documents, and so on – problems appear immediately. The Psychiatric Hospital is under the supervision of the Oblast Department of Public Health.”

These two governmental crisis centers in Kostanai could be considered “as a model of a systemic approach to solving the problems of women who are victims of violence. They can turn to the crisis center for urgent assistance, and later on to the Center of Social Adaptation to receive long-term adaptation and rehabilitation (women can stay in the shelter for six months or up to one year as an exception).”⁶⁰

The non-governmental crisis centers, which are registered as NGOs, are not sustainable and operate only with the help of international and charitable organizations' grants. The exact number of such centers changes each year depending on the availability of funds. In some cases the local sponsors support them. Only occasionally do the crisis centers receive funding as social projects. In these instances, the centers also get state financing, but they must spend the funds on specified projects. Such cases of financing are the exception to the rule.

Over the past several years, international donors have provided technical and financial assistance to the non-governmental crisis centers. This has led to the appearance of a

⁶⁰ Tsyganenko and Mamkova, *ibid.*

number of NGOs, which are involved in preventing violence against women and in the process of legislation on this problem.

A reduction in donors' financial support has led to increased competition among the crisis centers. Under such conditions, non-governmental crisis centers are forced to use any possible financing, even financing intended for other projects that aim to support the vital capacity of the organization. The majority of the organizations participating in this research collaborate with the International Organization for Migration to prevent trafficking, using hotlines and legal and psychological consultations. At the same time they continue to work with women who are victims of violence. If financing is further reduced, in two to three years there will be no non-governmental crisis centers working on the problem of violence against women.

The survey⁶¹ revealed that government and non-governmental crisis centers know about each other but prefer to act separately; unfortunately, the practice of sharing experience is not widespread. The government center does not assist the non-governmental centers. In turn, non-governmental crisis centers do not believe that the government centers work well and separate from them. Established with the support of the donor agencies and by the Soros Foundation–Kazakhstan, the Union of Crisis Centers unites only the non-governmental crisis centers.⁶² This does not allow government crisis centers to become active participants in the mission of providing assistance to the victims of violence.

5.4 Intervention programs for the perpetrators

At present, there are no intervention programs for the perpetrators of cases related to violence against women. However, the DPWAV staff, in cooperation with the crisis centers and the local commissions on family and women's affairs, organizes special prevention programs and individual consultation sessions for perpetrators who acted violently against their family members.

5.5 Other victim support services

At present, there are no other available services for the support of victims of violence against women.

⁶¹ *Ibid.*

⁶² Limitation of two years of experience and recommendations from the union members confine the access of the governmental crisis centers to the resource – informational base of Union, especially the beginners.

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula, and the availability of sex education programs

Within the educational framework of secondary and elementary schools, there is a course titled “Ethics and Psychology of Family Life,” but it does not address gender issues and violence against women.

6.2 Mandatory and other training programs for future professionals

A considerable part of society does not realize the importance and necessity of gender education and the establishment of a system of gender education, including the education on issues related to violence against women. Lack of special legal knowledge does not allow the realization of protection of men and women’s rights to their full extent.

At present, there are no mandatory training programs for future law enforcement professionals.

Within the system of the Ministry of Internal Affairs an optional course (ten academic hours) entitled Gender Problems and the Objectives of the Internal Affairs Bodies was introduced in the curriculum of the Police Academy. This short course covers gender issues, including violence against women issues, which is taught under the chapters entitled “Operation and Investigation Activity” and “Criminal Law.”

At the same time, there are a lot of activities related to the education and training for the elimination of violence against women which have been and are still conducted by NGOs (Union of Crisis Centers, Feminist League, etc.), but these activities are not coordinated properly.

6.3 Mandatory and other training programs for practicing professionals

Staff from other divisions of the Internal Affairs bodies to the Department on Protection of Women against Violence are required to pass through special on-job-training courses within the department.

In 2002–2004, UNIFEM implemented a regional project entitled “Elimination of the Violence against Women in Central Asia”⁶³ that provided support to government

⁶³ For more, see the UNIFEM websites at www.unifem.org and www.unifemcis.org.

organizations and NGOs in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan in order to increase their capacities for the elimination of violence against women in these countries. In Kazakhstan training was provided for the staff of the Division on Protection of Women against Violence under the Ministry of Interior. The issues covered were the following: judges and judicial staff of the Supreme Court, NGOs working on various aspects of violence against women; police operational activities; court proceedings; awareness raising; building partnerships, etc. The cadre of local trainers on violence against women was formed as the result of the program “Training of Trainers on Gender Based Violence.” Also, support was provided to develop curricula on nonviolent behavior for teenagers in orphanages. This curriculum was officially approved by the Ministry of Education and Science.

6.4 Gender equality issues in higher education curricula and human rights programs

Gender approaches are incorporated in the system of higher education, such as an educational and methodological course for university students titled “Introduction in the Theory of Gender.” This course, however, does not contain a specific chapter on violence against women. The Research-Scientific Institute of Social and Gender Studies was established in 2000 at the Kazakh State Women’s Pedagogical Institute. The Al-Arabic Kazakh National University set up a Center for Gender Education in 2005. However, the curricula of neither one of these institutions are focused on violence against women.

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

The Constitution of the Republic of Kazakhstan and Law No. 451–I of 23 July 1999 on the Mass Media (in Article 2) guarantee freedom of speech and thought, prohibit censorship and secure the right of every individual to obtain information and disseminate it to any individual not prohibited under the law. There are no media law provisions specifically concerning violence against women and the portrayal of women.

According to the Law on Advertising,⁶⁴ the general requirements formulated in Article 6 are as follows: “The advertisement cannot be used for the purpose of propaganda or agitation of the violent change of the constitutional stability, violation of the integrity

⁶⁴ Adopted by Presidential Decree No. 508-II of December 19, 2003.

of the Republic of Kazakhstan, assassination of the state security, fomentation of the social, national, religious, patrimonial discord, the cult of cruelty and violence, and pornography.”

According to Article 6(3), advertisements “which consist of textual, video, or sound information, violating the common norms of the ethic and humanity by using the offensive words, comparisons, images regarding to the nation, race, language, specialty, social position, age, gender, religious, political, and other kinds of beliefs” are illegal.

According to Article 19 on “Negation” of the Law on Advertising, the consequences for violating the law require that the violator stop the distribution of the illegal advertisement and negotiate as regulated by legislation of the Republic of Kazakhstan. The violator of the law is responsible for all expenses of the negotiation.

According to the *Second Periodic Report of Kazakhstan to the CEDAW Committee* “actively working in that area is the Republic’s largest TV channel, Khabar. Information-analytical programs such as *Better to be Healthy*, *Dilemma*, *Process*, and *City of the Future* discuss the topics ‘Men and Women’ and ‘Safe Motherhood’, and air broadcasts titled ‘Men and Women. The Law’, (...) ‘Feminism,’ ‘The Law on Domestic Violence’, (...) ‘Women’s Rights in Today’s Society’, (...) and others.”

7.2 Guidelines and codes of conduct for media professionals

Current guidelines and codes of conduct for media professionals do not take into account the issue of violence against women and a non-stereotyped image of women and men. At present, these codes contain only the prohibition of dissemination of information related to pornography.

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

There are several media watch organizations, like the NGOs Adil Soz, Internews-Kazakhstan, independent National Press Club, and others, but they do not have any focus concerning violence against women, sexism, and stereotyped portrayal of women.

The monitoring of media information on gender-related issues (including violence against women) is usually conducted by the Feminist League on its own initiative. But these activities are limited because of lack of human and financial resources.

7.4 Training programs for media professionals on violence against women

There are no compulsory courses concerning violence against women and non-stereotyped images of women and men at the journalism departments at universities. Small amounts of training for journalists are conducted by NGOs; but not on a regular basis.

The National Commission, together with the UN Gender in Development Bureau, is doing work to train gender-sensitive journalists. About 150 journalists from the electronic and printed mass media have been trained in the last two years to promote gender equality and a non-stereotyped image of women and men.

7.5 Media activity in raising the awareness of the general public of violence against women

The media take an active part in the information campaigns organized by NGOs or governmental institutions, especially during the 16 Days Campaigns. The media pays the most attention to the problem of human trafficking. There are social advertising and informational/documentary films shown on TV (both national and local) during the campaigns, the press pays attention to activities of local NGOs and the government, they conduct interviews with experts, etc. The media is often involved in informational campaigns organized by international organizations in Kazakhstan, the UN, IOM and OSCE in particular.

The national TV channel of Kazakhstan is active in airing discussions of the topic of gender equality through the news and information-analytical programs like *Gender and Us*, *Ak Zhunus*, *Dialogue*, and *Point of View* by Kazakh Radio. These programs make a big contribution to promoting the non-acceptability of all forms of discrimination against women. Women's topics are among the most popular, numerous topics on the pages of the Republic's mass media. It should also be noted that these publications are contracted by the state to promote state information policy at the national level. The press devotes a great deal of attention to the participation of women in the socio-political life of the country, stressing the stabilizing role of women in the processes taking place in the society.

The primary mechanism for interaction between the state and the mass media is the system of state contractual awards. All functioning mass media of the country have access to this system, regardless of the form of ownership. The state contractual awards are funded by the government and regional executive bodies which in turn fund the mass media's treatment of socially significant topics that are the most important to society. Nationwide and regional mass media obtain the right to treat such topics under a government award in open competitions. In 2004, for example, a social

contract award was obtained by 33 newspapers, 26 magazines, one state level information agency, and 36 central and regional television and radio companies.

About 80 percent of the newspapers, magazines, and radio and television channels are non-governmental. Effective work is underway to raise the public's awareness of women's rights. In 2004, coverage of the state's gender policy was included as a separate line in the state contractual award subject list.

7.6 Analyses on violence against women in the media

A survey on the media's gender sensitivity, including several aspects of gender based violence, was conducted in 2002 by the Feminist League with support from Soros Foundation and OSCE Center in Kazakhstan.⁶⁵ The responses indicated that Kazakhstan's mass media illustrate men and women on an equal basis. The respondents supposed that the broadest illustration of the "women's question" is in the "women's magazines," but we should note that according to the answers the women's questions include many themes (cosmetics, social status, childcare, etc.). The results also show that respondents marked out the magazines on their opinion covering the women's theme taking into account the amount of the women's pictures inside the articles. The respondents noted that different themes for men women were covered by the media. The women's themes fall into the following categories: family, health and healthcare, social protection, education, culture, and arts. The men's themes are: politics, law, economy, and sports. The gender inequality of the publications is evident. Twenty-one percent of the respondents noted that the problem of gender inequality was widely spread and severe in Kazakhstan, 48 percent noted that this problem was real but not severe, and a third of the respondents noted that there was no problem at all.

The responses of adult respondents indicate that the problem of gender inequality is severe. These respondents prefer to read about women in the context of the following topics: protection of reproductive health; social protection of families; sexual violence; protection of parental rights; legal protection; gender stereotypes; professional careers; employment, and unemployment. And about men: availability of economical sources; representation in the decision making mechanism; development of business; participating in politics; criminality; employment, unemployment; and professional careers. Results also showed that women had a more emancipated view of gender relations in the family.

The survey indicated that journalists marked the same issues regarding women's themes as the readers. Forty-seven percent of men and 19 percent of women do not think that the problem of gender inequality was severe.

⁶⁵ Gender Dimensions of the Media in Kazakhstan, www.momen.kz.

Half of the questioned chief editors noted that they participated in different campaigns on raising awareness against violence, on women's rights, on trafficking, prostitution, and gender policy.

Women's image in advertisements was used as an attraction for the advertisement – the woman is a decorative background, for example in an advertisement for furniture the woman is portrayed as an addition to the interior. There is a great mismatch between the advertised item and the way of advertising. Women's images are more common for advertising and in general women appear as erotic objects.

8. AWARENESS RAISING

8.1 Campaigns on violence against women

Awareness-raising activities on gender based violence are conducted in Kazakhstan mostly by women's NGOs which regularly participate in the international campaign of the 16 Days of Activism against Gender Violence. The NGOs have annually organized different kinds of actions relating to this campaign since 1999. Almost all seminars and conferences are held during this period. The most common form of violence they cover is domestic violence. Public unions and NGOs coordinate their activities during this campaign each year. The general public is involved in this event less than potential victims of violence or the mass media (organizations use the media as a good tool for illuminating the problem of violence), also the organizers are trying to attract other NGOs and state bodies, some actions are made in cooperation with the Ministry of Internal Affairs and the National Commission.

The Union of Crisis Centers of Kazakhstan held the last Campaign in 2005. It lasted from November 1 to December 9. The Ministry of Internal Affairs actively participated in this campaign according to a specially designed and approved *Action Plan on the 16 Days of Activism against Gender Violence in Kazakhstan*. The main area of action was in the cities of Almaty and Astana.

In 2002–2004, UNIFEM Regional Office for CIS implemented the Regional project “Public Awareness Campaign on Women's Right to Life free from Violence”⁶⁶ in nine countries: Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Lithuania, Moldova, Russia, Tajikistan, and Uzbekistan. The project provided the opportunity to raise awareness on the root causes of gender based violence, to advance efforts to deal with the symptoms or incidents of violence against women and girls, to challenge perceived stereotypes, and to issue a broad-based call for action by all segments of population to eliminate all

⁶⁶ See the UNIFEM websites at www.unifem.org, www.unifemcis.org.

forms of violence against women and girls. The campaign encouraged national governments to strengthen legislation and develop services that more adequately protect women and girls from violence, punish the perpetrators of such violence, and reach toward the elimination of such violence.

8.2 Conferences and other awareness raising, information, and prevention programs

In 2002–2006, various conferences and other awareness raising activities on the elimination of violence against women were conducted by the National Commission and local women’s NGOs mostly due to the support of international organizations (UNDP, UNIFEM, OSCE, UNFPA, the British Council, USAID, UNICEF, etc.) based in Kazakhstan. One of the most effective and efficient conferences took place in 2005.

8.3 Information materials for the victims about their rights and the services they can seek help

The awareness-raising activities always depend on financing and thus do not occur on a regular basis. More often it is non-governmental funds, and rarely the state order. Crisis centers sometimes issue their own information materials on domestic violence, mostly for the victims of violence. But crisis centers do not have a regular ability to publish materials. For example, the Podrugy crisis center raised funds several times for their publications from the HIVOS foundation.⁶⁷

The Feminist League has its own magazine Equal Opportunities of which one issue was dedicated to violence. (It had rather broad coverage of this problem, mostly covering domestic violence.) The issue was rather small and all copies were distributed among NGOs, public unions, and interested state bodies. Also, the Feminist League twice issued special brochures on trafficking. The first issue consisted of 3,000 brochures, which were disseminated among NGOs, public unions, and all interested bodies, including state bodies. The second issue was prepared under the request of the

⁶⁷ These publications are the followings: *Security; The educational program for the volunteers/consultants of the hotline of the Podrugy crisis center; Domestic violence: survey and dynamics; Help for the volunteers of the crisis center; Manual on the domestic violence training program; Peculiarities of the work of hotline of the Crisis Center; The civil and criminal legislation of the Republic of Kazakhstan, regulating matrimonial relations; Everything about domestic violence for the police; The specification of the work with women-victims of the domestic violence at the Podrugy crisis center; The ordinary story; The hotline consulting regarding domestic violence; Organization of the work of shelters for women and children who suffer from domestic violence; and Diagnostic manual of mental disorders.*

Ministry of Justice (5,000 brochures) and was disseminated only among the law enforcement and juridical bodies.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

There is no regularly conducted research or surveys on violence against women in Kazakhstan. In 2000 the UN Office in Kazakhstan supported the survey called *Violence against Women in Kazakhstan*⁶⁸ conducted by the UNFPA in 1999 which showed that about 68 percent of women would turn to law enforcement bodies if they were a victim of violence perpetrated by a stranger. Only 26 percent would turn, however, to law enforcement bodies if the violator were a close person (a husband, relative, or good acquaintance).

In 2002 a survey on violence against women was conducted by the Ministry of Internal Affairs and NGOs under the support of the UNIFEM regional project called “Right for Violence-Free Life is Our Right.”

In 2003 the DPWAV under the Ministry of Internal Affairs conducted research on violence against women in Kazakhstan. About 69,000 women were asked about violence against women in various regions of the country based on specific questionnaires developed by the DPWAV in cooperation with the Police Academy with a strong emphasis on trafficking in women in particular.

The growth of violence against women is a severe problem in Kazakhstan. But the violence is latent and takes place in an atmosphere of tolerance. The share of crimes against women is on the rise. In comparison to 2000–2003 the level of crimes against women varied from 29–36 cases per 10,000 women a year. In 2004 this indicator rose to 46 cases per 10,000 women.⁶⁹

Domestic violence is the most common type of violence against women. According to the recent (2004) research of the Ministry of Internal Affairs, 71.4 percent of women are subjected to domestic violence at least once a year. Women appeal to the law enforcement bodies only in one of five cases of domestic violence. Fifty-nine percent of women were subjected to domestic violence from the husband’ side when he was

⁶⁸ UNFPA Survey (1999) *Women and Violence: Violence against Women in Kazakhstan*. www.undp.kz/library_of_publications/.

⁶⁹ *Women and Men in Kazakhstan*. Statistical bulletin, issues 2003 and 2004.

drunk. Out of 27,000 calls received through the crisis center hotlines, the majority related to physical abuse (23 percent) and emotional abuse (22 percent). According to the opinion of 66 percent of women, domestic violence against women is one of the main reasons for women's criminality.

There was not any serious research conducted to study the reasons, character, and consequences of trafficking in women in Kazakhstan. Research based on various surveys is not accurate.

9.2 Violence against women on the agenda of research centers dealing with equality issues

At present, violence against women is not on the agenda of research centers dealing with equality issues.

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

The official statistical data on violence against women in Kazakhstan is collected by the Ministry of Internal Affairs and is provided to the National Statistical Agency.

In 1999 the Ministry of Interior set up a database on violence against women and men. Statistical information has been collected by DPWAV units at the local level and provided to the National Statistical Agency. A computer-equipped database on types, character, and circumstances of violence against women was set up within the Ministry of Internal Affairs in 2001. The information on 32,000 women victims of violence was collected during the period of 2001–2004. According to this database, the most common type of violence against women was physical abuse (45 percent, more than 14,000 cases), the second type was economic violence (39 percent, more than 12,000 cases), and sexual abuse (12.5 percent, about 4,000 cases).⁷⁰ Since January 2001, new statistical registration forms were developed, which allows for the analyzing and summarizing of the data on a quarterly basis; not only types and forms of violence against women, but also about the victims of gender violence, perpetrators of violence against women, and places of such crimes. Subsequently the number of applications on

⁷⁰ Official data of the Ministry of Internal Affairs for the Feminist League signed by head of department G. Alpysbaev.

cases of violence against women to the police has increased. For example, the database contains data on several types of crimes against women including beating, sexual violence, illegal imprisonment, hooliganism, as well as the age and physical status of victims, the results of legal proceedings, and sentences.⁷¹

As far as violence against women is concerned, the *National Action Plan* described the situation as follows: “Nevertheless, criminality and facts of violence against women is still at high level. For example, in 1997 97,500 persons committed crimes of which 13,700 (14 percent) were women. The most common form of violence against women was domestic violence (physical, psychological, and sexual violence). There is no full statistic data on facts of violence against women, because not every case is registered by law enforcement. More than 60 percent of women in Kazakhstan were subjected to physical or sexual violence at least one time in their lives. Only in 1996, 2,026 cases of rapes were registered. Only ten percent of sexual abuse cases are preceded to the court. Prostitution spreads basically as a form of economical violence against women (commercial sex).”⁷²

“An analysis of crimes against women involving violence showed that during six months of 1999, 8,475 crimes were committed against women. These included 267 homicides, 24 cases of driving women to suicide, 153 cases of deliberate serious bodily harm, 2,923 cases of deliberate, moderate, and slight bodily harm, 1,020 cases of beating and torture, 98 threats, 913 rapes, 45 cases of women being kidnapped and lured into sexual or other forms of exploitation, 1,582 cases of women victims of robbery, and 284 cases of women victims of armed robbery. Ten women were victims of drug-related crimes. Seven people were brought to justice for inducing women to use narcotic and psychotropic substances and three for using violence to force women into prostitution. 162 people were brought to justice for persistent non-payment of a court-ordered subsistence allowance to a disabled mother, and 19 for the non-payment of maintenance to a disabled wife.”⁷³

In 2003, out of 118,000 registered crimes, over 25,000 were committed against women. 501 women were killed; 326 women were seriously injured; 1,200 women were victims of rape (according to the experts’ estimates; in reality, this number is 10 times higher); and 1,400 women were beaten and tortured. 451 cases of establishment and maintenance of haunts for prostitution were registered as well as four cases of female trafficking (illegal recruitment for sexual or other exploitation).⁷⁴

⁷¹ *Second Periodic Report, ibid.*

⁷² *National Action Plan for the Advancement of Women in Kazakhstan for 1999–2005.*

⁷³ See: www.un.org/womenwatch/daw/cedaw/24sess.htm.

⁷⁴ See: www.undp.kz/library_of_publications/start.html?redir=center_view&id=5582.

In 2003, the National Commission on Women and Family Affairs reported that 64 percent of women had been victims of violent crime.⁷⁵

143,000 crimes were registered in 2004, 35,000 of them against women. Among these, 551 murders, 405 cases of serious injury, 1,300 cases of sexual assault, 1,100 cases of beatings and torture were identified. 357 crimes concerned the organization and upkeep of dens for prostitution and procuring. The number of registered rapes slightly increased: in 2001, 1,268 cases of rape were registered; in 2004 there were 1,374 registered cases (according to the NGOs' estimation, the real number of cases is higher by tenfold). Twenty-nine percent of women aged 17–29 are subjected to sexual harassment at the workplace or at schools and universities. According to some NGO experts' estimation more than 60 percent of women in Kazakhstan have been sexually assaulted. Less than ten percent of the assault cases reach an investigation in the courts. Twenty-eight percent of married women are victims of their own husbands.⁷⁶

In the annual statistical digest called *Women and Men of Kazakhstan* the number of gender indices was growing from year to year. Numbers are based on the official statistics provided by governmental bodies. This digest has been published by the UNDP Gender in Development Bureau since 1999 to provide a graphic portrayal of the actual status of women in all spheres of life of society, but it does not focus on violence against women related statistics.

Unfortunately, neither the Ministry of Internal Affairs, nor the National Statistical Agency or the National Commission disseminates statistical information on a regular basis through open channels. Therefore, this information is not available to society in general or to the media. Even if statistical data on violence against women were available, it is obvious that the above figures do not reflect the whole picture of violence against women in the country. Therefore, it is difficult to analyze the situation and to adequately respond to the situation through appropriate planning, implementing, monitoring, and evaluating of the activities related to the elimination of violence against women.

To improve monitoring and evaluation of the extent of gender based violence in the country, the group of women's NGOs developed a set of indicators on violence against women, which was discussed and agreed to with the National Commission in 2005. This set of indicators was included into Kazakhstan's GES for 2006–2016 and contain following indicators:

⁷⁵ Bureau of Democracy, Human Rights, and Labor, U.S. Department of State (2006) *Country Report on Human Rights Practices – 2005*.

⁷⁶ *Second Periodic Report, ibid.*

- availability of the correspondent laws (the law on Domestic Violence etc.) and correspondent mechanism of its realization;
- number of cases of violence against women per year;
- number of staff at the Ministry of Internal Affairs departments on protecting women from violence;
- number of crisis centers which include centers with shelters (the number of women and men referred to crisis centers including information on types of violence);
- number of TV and radio broadcasts, number of informational promos, publications concerned with gender violence; and
- estimation of efficiency of activities related to violence against women.

At present there is no available information about a genetic data bank in cases of sexual violence.

10.2 NGO statistics on violence against women

Usually, only crisis centers collect local statistics on cases related to violence against women. According to the first shadow report prepared by women's NGOs in 2001 "during the first six months of the current year (2001) alone, 2,797 crimes involving violence were committed in family and domestic situations; that accounted for more than 33 percent of the total number of crimes committed against women. Those crimes of domestic violence included 81 homicides, or 30 percent of the total number of homicides, 67 percent of the cases of women being driven to suicide, 44 percent of the cases of deliberate harm to women, 29 percent of the cases of deliberately causing moderate or slight bodily harm, 60 percent of the cases of beating and torture, and 21 percent of the cases of threats."⁷⁷

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

There were not any cases on violence against women in Kazakhstan raised before the national bodies and international forums dealing with human rights issues.

⁷⁷ *National Action Plan for the Advancement of Women in Kazakhstan for 1999–2005.*

11.2 Published court decisions, case studies, and analyses of case law

Theoretically, the Ministry of Internal Affairs and crisis centers should provide the collection and description of cases and their analysis. These organizations, however, limit their functions to counting of applications without any description or analysis.

12. RECOMMENDATIONS TO THE GOVERNMENT

- Adopt a law on the equal rights and opportunities between women and men and a law combating gender-based violence in order to harmonize national legislation with the recommendations of the CEDAW Convention and other international human rights instruments;
- Ensure the participation of women's NGOs as experts in the development and drafting of legislation and in the implementation of policies and projects aiming to eliminate violence against women;
- Earmark an adequate and viable budget for the implementation of the *Gender Equality Strategy of Kazakhstan for 2006–2016*;
- Establish partnerships between the National Commission on Family Affairs and Gender Policy and other governmental bodies, on one hand, and the civil society and the NGO sector, on the other, to conduct consultations on how to develop effective policies to eliminate violence against women;
- Invite the UN Special Rapporteur on violence against women and other Special Rapporteurs on human rights issues to the country for consultations with the government and civil society; as well as organize follow-up activities to ensure the government implementation of their recommendations; and
- Make it easier for international organizations to provide support to local women's NGOs in their activities of combating violence against women through assisting in the establishment of regular information exchange and capacity-building networks between the local, national, regional, and global levels.

ANNEXES

Annex A. List of laws and regulations screened

Law No. 36 of April 12, 2005 on State Social Order

Law No. 168–I of July 16, 1997 on the Entering into Force of the Criminal Code from January, 1, 1997

Law No. 207–I of December 13, 1997 on Entering into Force of the Code of Criminal Procedure of the Republic of Kazakhstan

Law No. 156–II of January 30, 2001 on Entering into Force of the Administrative Code of the Republic of Kazakhstan

Law No. 410–I of July 1, 1999 on Entering into Force of the Civil Code of the Republic of Kazakhstan

Law of June 29, 1998 on the Ratification of the CEDAW Convention by the Republic of Kazakhstan

Law No. 18–II of December 30, 1999 on the Ratification of the Convention on Political Rights of the Women by the Republic of Kazakhstan

Law No. 220–II of July 4, 2001 on the Ratification of the Optional Protocol to the CEDAW

Law No. 451–I of 23 July 1999 on the Mass Media

Law on the Rights of the Child in the Republic of Kazakhstan

Law on Marriage and Family

Budget Code of the Republic of Kazakhstan of April 24, 2004

Presidential Decree No. 56 of February 1, 2006 on the Regulations on the National Commission on Family Affairs and Gender Policy under the President of the Republic of Kazakhstan

Presidential Decree No. 992 of December 10, 2002 on Creating the National Center for Human Rights

Presidential Decree No. 947 of September 19, 2002 on Setting up the Post of Ombudsman and its Office

Presidential Decree No. 2737 of December 29, 1995 on the Law on Constitutional Council of the Republic of Kazakhstan

Presidential Decree No. 345–II of August 8, 2002 on the Law on the Child’s Rights in the Republic of Kazakhstan

- Presidential Decree No. 321–I of December 17, 1998 on the Law on Marriage and Family
- Presidential Decree No. 508–II of December 19, 2003 on the Law on Advertising
- Presidential Decree No. 3009 of 3 June 1996 on the Commission for Human Rights attached to the Presidency of the Republic
- Prime Minister’s Decree No. 999 of July 19, 1999 on the National Action Plan for the Improvement of the Status of Women in the Republic of Kazakhstan for 2000–2005, with subsequent amendments according to Government Decrees No. 1705 of November 13, 2000; No. 808 of July 19, 2002; and No. 95 of February 9, 2006.
- Government Decree No. 983 of September 26, 2003 on the Setting Up of the Interagency Commission to Combat Illegal Departure and Trafficking in Human Beings
- Government Decree No. 261 of April 10, 2006 on the Plan of the Government of the Republic of Kazakhstan on Combating and Prevention of Crimes of Trafficking in Human Beings for 2006–2008
- Government Decree No. 1851 of December 3, 1999 on the Adoption of the Initial Report on the Implementation of the CEDAW Convention (with changes dated No. 95 of September 2, 2006)
- Government Order No. 506 of May 6, 2004, on the Adoption of the Initial Report on Measures on Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- Government Order No. 346 of March 12, 2001 and Government Decree No. 138 of February 28, 2006 on Regulations on the Interaction between the State Bodies, Organizations, and Public Unions Engaged in Solving the Problem of Violence against Women
- Government Resolution No. 600 of June 29, 2006 on the Action Plan for 2006–2008 on the Implementation of the Strategy for Gender Equality in the Republic of Kazakhstan for 2006–2016
- Order No. 535 of October 26, 1999, of the Ministry of Internal Affairs on Regulations on the Work of the Divisions of the Ministry of Internal Affairs on Protecting Women against Violence
- General Prosecutor’s Office Order No. 6 of February 10, 2003 on Probation and Enactment the Instruction “On registration and consideration of the appeals, complaints, and other kind of information regarded to the crimes and incidents”

Annex B. List of documents and books consulted

First Periodic Report of Kazakhstan for the CEDAW Committee, January 2001
(CEDAW/C/KAZ/1)

National Action Plan for the Advancement of Women in the Republic of Kazakhstan for 1999–2005

Second Periodic Report of Kazakhstan for the CEDAW Committee, March 2005
(CEDAW/C/KAZ/2)

Bureau of Democracy, Human Rights, and Labor, U.S. Department of State (2006) *Country Report on Human Rights Practices – 2005*

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UNFPA Survey (1999) *Women and Violence: Violence against Women in Kazakhstan*

Women and Men in Kazakhstan. Statistical bulletin, issues 2003 and 2004