

HRW – Human Rights Watch

KAZAKHSTAN: LITTLE HELP FOR DOMESTIC VIOLENCE SURVIVORS

Ensure Protection, Access to Justice, Needed Services

(Berlin) – Women in [Kazakhstan](#) facing domestic violence receive insufficient protection and have little recourse for justice, Human Rights Watch said today.

The Kazakhstan government sought to prevent family violence when adopting the Law on Prevention of Domestic Violence a decade ago. But it still needs to take urgent steps to address gaps in legal protections and barriers survivors face in seeking justice and support services.

“Kazakhstan should have made much greater strides in protecting women from violence, but instead women continue to suffer,” said [Viktoriya Kim](#), assistant Central Asia researcher at Human Rights Watch. “The government has renewed its commitments to provide help, but at the same time is sending women, and abusers, the message that abuse inside the home isn’t to be taken seriously.”

Between April and August 2019, Human Rights Watch interviewed 16 domestic violence survivors and 26 others, including women’s rights activists, shelter staff, lawyers, and a police officer responsible for protecting women from violence under a municipal department of the Ministry of Interior.

The Union of Crisis Centers of Kazakhstan, an umbrella organization of 16 nongovernmental organizations (NGOs), reports that partners kill hundreds of women in Kazakhstan each year and that domestic violence takes place in [one out of every eight families](#) in Kazakhstan. Zulfia Baisakova, the head of the organization, said it receives about 14,000 calls annually regarding domestic violence, the vast majority from women. According to 2017 government statistics, [17 percent of all women](#) ages 18 to 75 have experienced physical or sexual violence by a current or former husband or partner.

Human Rights Watch found that Kazakh authorities are neither adequately preventing violence nor holding abusers accountable. Police do not routinely inform women about available services and protection, such as their right to seek shelter or protection orders. Women said that police often encourage them to drop their complaints and reconcile with their abusers.

In July 2017, then-President Nursultan Nazarbaev signed amendments to Kazakhstan’s criminal code [decriminalizing “battery” and “intentional infliction of light bodily harm,”](#) the articles most commonly used to investigate and prosecute domestic violence. This effectively eliminates the possibility of criminal prosecution for most domestic violence cases.

Ayana, a 32-year-old mother of four, whose real name Human Rights Watch is withholding for her privacy, described her six-year marriage as “hell.” She said that a few days after she was married in 2013, her husband brutally beat her, and beat her repeatedly until she escaped in early 2019. She said that her husband would taunt her, saying: “I understand [that I am doing something wrong], but it is just an administrative [offense] so it’s just a penalty [that I would have to pay].” Ayana said, “The government is devaluing women.”

In 2009, Kazakhstan adopted the [Law on Prevention of Domestic Violence](#), which defines domestic violence as “a deliberate unlawful action or inaction” that includes “physical, psychological, sexual and/or economic” violence” and applies to “spouses and ex-spouses, persons who live or have lived together (cohabitants and former

cohabitants), close relatives and persons who have a child or children in common.” The law provides for short-term protection orders, intended to prohibit contact between a survivor and their abuser for up to 30 days, and for survivors’ access to shelters and other services. However, neither the Domestic Violence Law nor the [criminal code](#) specifically criminalizes domestic violence.

On September 2, 2019, in his first [address to the nation](#) since taking office on June 12, Kazakhstan's new president, Kassym-Jomart Tokayev, said that in protecting the rights and security of its citizens Kazakhstan “urgently needs to tighten the penalties for sexual violence... and domestic violence against women.”

On October 10 and 11, in letters to Human Rights Watch, both the [Supreme Court of Kazakhstan](#) and the [Interior Ministry](#) respectively stated that there is a draft law that proposes amendments to the criminal and criminal procedure codes, including through tougher penalties for sex crimes, domestic violence, and similar offenses.

Human Rights Watch found that police and staff at crisis centers operated by either the government or nongovernmental groups have not received sufficient specialized training to respond effectively to victims of domestic violence. Domestic abuse in Kazakhstan is still widely perceived as a “family matter” and is underreported to police, Human Rights Watch found. Women’s rights activists, lawyers, service providers, and survivors all said that social barriers discourage women from reporting abuse to anyone outside the home, including to other members of their own families. State policies aimed at keeping the family “intact” make it more difficult for women to escape violence.

The [Interior Ministry letter](#) said that presently 40 crisis centers are functioning throughout the country. But as Kazakhstan’s population is over 18 million, this number suggests that the total number of shelter spaces for domestic violence victims falls short of [recommended standards](#) of one shelter space per 10,000 people. Dozens of NGOs also provide services, but such initiatives are not a sustainable alternative to government services and crisis centers. Moreover, staff at nongovernmental crisis centers said that they struggle to sustain services, including shelter, due to the lack of adequate funding.

Human Rights Watch also found that government-run crisis centers do not meet [international standards for services](#) for domestic violence survivors, and that many women in Kazakhstan still do not know where to turn for help. In the crisis centers Human Rights Watch visited, researchers found insufficient security procedures and heard testimony that crisis center staff blamed survivors for “provoking” their partners and urged them to reconcile with their abusers.

The Kazakh government’s failure to adequately protect women against domestic violence and ensure their access to justice violates Kazakhstan’s international human rights obligations, in particular under the [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW). The committee that oversees its implementation will review Kazakhstan’s progress during its 74th session from October 21 through November 8.

The Kazakh government should move urgently to amend the criminal code to recognize domestic violence as a stand-alone criminal offense and ensure that it carries penalties commensurate to the gravity of the violence, Human Rights Watch said.

Kazakh authorities should ensure that police respond effectively to domestic violence reports and that women facing abuse have access to support services, including crisis centers. Government service providers, police officers, medical personnel, and other relevant officials working on domestic violence should more regularly receive specialized training in preventing and responding to domestic violence.

“Women in Kazakhstan have the right to a life without violence, abuse, and harassment,” Kim said. “Kazakh authorities should ensure their safety and take urgent steps to fulfill its international obligations on domestic violence.”

For detailed findings on domestic violence in Kazakhstan, please see below.

Human Rights Watch conducted in-depth interviews with 16 survivors of domestic violence in three regions of Kazakhstan in May. In April and May, Human Rights Watch also interviewed women’s rights activists, social workers, psychologists, lawyers, representatives of government and nongovernmental crisis centers, and a police officer for the protection of women from violence under a municipal branch of the Ministry of Interior. Human Rights Watch conducted additional follow-up interviews in July and August. Human Rights Watch has used

pseudonyms for all survivors and withheld some identifying details to protect survivors' security and confidentiality.

The [Supreme Court](#), the [Ministry of Interior](#), and the [Ministry of Labor and Social Protection](#) of Kazakhstan responded to a Human Rights Watch request for information and data on October 10, 11, and 14 respectively. Human Rights Watch received a response from the prosecutor general's office on October 16. Although it was too late to reflect the information in this report, it is linked [here](#). Human Rights Watch will reply to the prosecutor's office letter in the near future.

Impunity for Domestic Violence

In its October 11 [letter](#), the Interior Ministry explained why "light bodily harm" and "battery" were decriminalized and said that "in all cases of domestic violence, with no exceptions, administrative cases are brought, and the perpetrators are held accountable."

However, interviews with survivors and service providers revealed serious shortcomings in police response, including refusing to register victims' complaints, failing to ensure that women were informed about their right to a protection order, and discouraging survivors from filing complaints. Interviewees said that low representation of women in law enforcement and judicial authorities compound problems for survivors.

Some said that the police urged them to reconcile with their abusers. Karlygash, a 30-year-old mother of three who divorced her abusive husband in 2018, said that after the divorce, her former husband beat her unconscious. She decided to file a complaint with police, but "he [neighborhood police officer] told me to forgive him [my ex-husband]. 'This [a complaint on his record] will affect your children. If you forgive him,' he said, 'we'll issue a protection order. He won't touch or bother you.'" She did not file a complaint "for [the sake of my] children" and a few months later went back to her former husband, who continued to abuse her. She described an incident in February 2019: "He beat me with a chair. The floor, the stairs, everything was covered in blood." The next day, Karlygash left for a shelter.

Other survivors said that police were dismissive or hostile when they tried to report abuse.

When Aigerim, 38, reported to the police in late 2018 that her husband continued to beat her despite complaints she had previously filed, the police officer told her they could not intervene or respond in any way because she did not have any visible wounds on her body. "I asked him, '[W]hat, are you going to wait until he kills me?'" she said.

Other women said that, although they filed complaints, police took no action to prevent or address the violence. Larissa, a 40-year-old mother of two, said that after she reported repeated abuse by her husband in the Almaty region in April 2019, the police did not appear to investigate or take steps to hold her husband accountable. "They are not looking for [my husband], not conducting any conversations [with him], do not ask the neighbors [about him] [since I filed the complaint]," she said. "In our country, domestic [violence] is not interesting to them [police]."

Zarina, 34, said that she filed a complaint against her partner in April after he beat her, and that the police informed her that her partner would serve 15 days of administrative arrest. But they released him three hours after detaining him. "My husband came home that day drunk," Zarina said. "I called the police officer, who said he was busy and told me to call another officer, and that he would send a contact number. But he never did." Zarina left for a shelter three days later.

Staff at both the government and nongovernmental crisis centers similarly said that police do not take domestic violence cases seriously, and do not treat domestic violence cases as a crime.

Decriminalization, Problematic Penalties, Poor Enforcement

Prior to July 2017, [prosecutions of domestic violence under the provisions of "battery" and "infliction of light bodily harm" of the criminal code](#) could be sanctioned with a maximum fine of 226,900 tenge up to 453,800 tenge (approximately US\$677-\$1,354) and arrest of 45 and up to 60 days. In July 2017, then-President Nazarbaev signed amendments decriminalizing "infliction of light bodily harm" and "battery." They were re-introduced as [administrative offenses carrying lesser fines](#) of 25,250 tenge to 101,000 tenge (approximately US\$65-\$260) and administrative arrest of up to 20 days.

In 2015, the criminal code had been amended to [suspend provisions providing a legal basis for arrest](#) from January 2017 until January 2020, so those sentenced to short-term criminal detention could not be lawfully held, including for domestic abuse. The Interior Ministry said in its [letter](#) that people convicted were not held in detention due to a lack of appropriate holding facilities.

Kazakh officials who supported and initiated the 2017 move to eliminate the offenses from the criminal code have contended that, because these offenses were subject to private prosecutions, they hindered access to justice for domestic violence victims. The Interior Ministry echoed this reasoning in its letter. Under Kazakhstan's law, [private prosecutions](#) can only be initiated by an injured party, who then bears the burden of gathering the evidence necessary for prosecution as well as all the related costs. Such prosecutions can also be terminated if an abuser [reconciles](#) with the victim.

The Kazakhstan government's intention in removing the two offenses from the criminal code may indeed have been grounded in seeking ways to reduce the burden on women in pursuing private prosecutions. However, the result was to remove what was virtually the sole possibility for criminal prosecution in most domestic violence cases. Domestic violence is a serious crime, and as required by international law, governments should prosecute it as a criminal offense with the burden of evidence gathering and initiation of a legal case resting with the state prosecutorial authorities, not the victims.

The Interior Ministry's letter stated that transferring "infliction of light bodily harm" and "battery" to the administrative code facilitated "ensuring accountability for a maximum of offenders."

According to [data provided by the Supreme Court](#), in the first nine months of 2019, administrative courts received 19,331 cases involving unlawful actions among family members (art. 73 of the Code of Administrative Offenses, covering such actions as swearing, damaging property, disturbing the peace within the home and the like). Of these, 4,308 were sanctioned with up to three days of arrest, 59 with fines, and 3,322 with warnings.

For the first nine months of 2019, Kazakhstan's administrative courts received 12,146 cases of "infliction of light bodily harm" and appeared to issue penalties in 4,057 cases: 2,687 with fines; 1,363 with arrest; and 7 with warnings. Administrative courts received 5,266 cases of "battery" and issued penalties in 1,264 of these cases: 696 with fines; 564 with arrest; and 4 with warnings.

However, there is no stand-alone administrative offense of domestic violence, and the data provided for "light bodily harm" and "battery" does not indicate how many of these cases involved domestic violence.

There is also no stand-alone criminal offense of domestic violence, so it is likewise impossible to determine whether the [Interior Ministry's data](#) on criminal cases related to "light bodily harm" and "battery" prior to decriminalization includes cases of domestic violence.

Even in cases of the lesser administrative offenses, Human Rights Watch documented poor police enforcement. In addition, survivors and service providers said that the administrative penalties do not offer adequate protection from domestic violence. Karlygash, whose former husband repeatedly beat her in the last four years of their seven-year marriage, including when she was pregnant, said that she never filed a complaint against him. "[I]t did not make any sense," she said. "[The police would] lock him up for 15 days, then they will let him go, and that is it. And after that he would be really angry."

Several women said that the threat of a fine is not an effective deterrent against abuse. They said their abusers were aware they could be fined for beating them, but that they "did not care."

Gulim, a 26-year-old mother of one, said that after she filed a complaint against her husband for beating her in 2019, an Almaty court fined her husband 37,000 tenge (US\$99) [to be paid to the state](#). Gulim felt she was denied justice: "Why [does he have to pay] the state? I don't understand. I was the one beaten up. Turns out it is profitable for the government [to fine him], compared to just locking him up."

A system of fines in Kazakhstan effectively permits an abuser to pay for the right to abuse, and sends a message that the government will tolerate abuse unless and until there is very serious or lethal violence. Several other women whose abusive husbands faced administrative fines said that the money to pay the fine came out of the family budget, thus penalizing the whole family.

Ayana said that, after her husband received an administrative penalty for abusing her, he told her on the telephone, “[B]ecause of your complaint, now I have to pay 100,000 tenge (US\$258) and I would rather have it to spend on my children.” Ayana said, “Really, it is better for me if he spends this money on [our] children.”

A police officer interviewed by Human Rights Watch said that, in her experience, when women learn that the fine is to be paid from the family budget it prevents them from reporting the violence and filing a complaint.

Protection Orders

The Interior Ministry said in its [letter](#) that for the first nine months of 2019, police issued 58,011 protection orders and held 3,084 abusers accountable for violating protection orders.

Under [Kazakh law](#), protection orders are issued by police and designed to ensure protection from an abuser for up to 30 days by prohibiting contact between the abuser and victim. But women’s rights activists and lawyers said that many women in Kazakhstan do not know they are entitled to protection orders and that such orders are ineffective because the police do not enforce them.

Elina Enikeeva, a lawyer at Sana-Sezim, an NGO in Shymkent that provides psychological counseling and legal aid to domestic violence survivors, said: “[P]rotection orders are not a working mechanism. Police do not issue them, [and they] do not inform survivors [of their existence].”

Aigerim, a 38-year-old mother of three, said that when she reported beatings by her husband to her neighborhood police officers in 2018, they did not provide information about her right to a protection order. It was only after she consulted a more senior police official that she learned she could request one. “I asked them [the neighborhood police officers] why they didn’t offer me one,” Aigerim said. “One of the officers said, ‘Oh? You needed one?’”

The law on prevention of domestic violence requires police to check the person’s adherence to the protection order’s provisions at least once every seven days. In Aigerim’s case, even after she was issued a protection order, her husband stalked her for a week, in violation of the order. Police knew about it but did nothing to enforce the order and hold her husband accountable.

Police failure to initiate and enforce protection orders jeopardizes their purpose and helps to foster a climate of impunity. Zhanara Nurmukhanova, the president of the Taldykorgan Regional Women’s Support Center, said: “[Abusers] do not take protection orders seriously, do not show up for preventive conversations [with police].”

Economic, Social Barriers to Help, Justice

Almost all the lawyers, women’s rights activists, and survivors interviewed said that social pressure, fear of recurrent abuse, stigmatization, and economic dependence prevent survivors from seeking protection, assistance, and justice. The Interior Ministry said in its letter that many women do not report domestic violence or drop their complaints because of psychological pressure by abusers and because they are economically dependent on abusers.

Raushan Khudaishukurova, a social worker at Sana-Sezim, said that the majority of survivors who approach the organization for assistance ultimately reconcile with their abusers “because of the situation [they are] in: relatives are against [their] divorce, [the survivor] does not have a job, her children [need a father].”

Stigma and Family Rejection

The belief that women are subservient to their husbands and the risk of stigma prevent survivors from reporting domestic abuse and seeking services and support. Several women who attempted to leave abusive relationships said that their own families or their spouses’ families had encouraged them to return and reconcile with their abusers.

Anara, 25, said that when she was one-month pregnant with her second child in 2016, her partner “beat and choked” her and “ran at me with a knife” after she denied him sex. She called a relative, asking for help, but the family member responded saying: “No! You got married. [If you die,] you will die there!”

That night, Anara fled with her young son to her relative’s place. “When I showed my bruises [to her], she said, ‘It’s not a big deal. It happens when you have a husband.’ I didn’t even think about reporting to the police and did not seek any medical help.”

Botagoz, a 37-year-old mother of one, said her partner started beating her two months after they began living together in 2018. When she told her sister-in-law about the violence, she said, “Endure, endure.” When Botagoz’s mother and sister found out about the beatings, they asked Botagoz’s in-laws to give Botagoz “a chance,” since it was her first ‘marriage,’ meaning they thought she did not know how to be an obedient wife.

Elina Enikeeva, a lawyer at Sana-Sezim, said that persistent perceptions about women’s roles and the importance of maintaining family at all costs make escaping abuse all the more difficult. “Often relatives [of the survivor] do not take her back,” Elikeeva said. “[They think] it’s shameful, that she is spoiled goods.”

Several other survivors said that even after they left their abusive husbands or were divorced, their former partners believed they were entitled to a relationship, including subjecting them to violence.

Aigerim said that her husband has been stalking her since she filed for divorce in March. “He calls, screams at me, won’t give me any peace,” she said. “[He screams,] ‘You’re still my wife. I have the right to admonish you and beat you.’”

Dependence on Abusers

Many interviewees said that women remain in violent relationships in part because of their reliance on their husbands or their husband’s families for food and shelter. Most women interviewed said they worked outside of the home before marriage and had to quit their jobs, either because their husbands pressured them or to care for their children.

Saule, 38, whose husband brutally abused, raped, and humiliated her beginning in 2017, said that when they moved to a different city, her husband forced her to quit her job. Saule said she endured his abuse because of “fear [of my husband] and [because] I had nowhere to go.”

Twenty-eight-year-old Nurgul suffered a concussion after her husband threw her against the wall during one episode of violence in late 2018. She said that she did not seek medical help and stayed at home, because she did not know where to seek shelter with her children.

The police officer said that most women either do not report domestic violence or drop their complaints before or during prosecution because “they have nowhere to go.”

Crisis Centers and Services for Survivors

According to [2017 data of the Statistics Committee](#) of the Ministry of National Economy, Kazakhstan has 30 crisis centers, in 13 of the country’s 14 regions, as well as in cities of Almaty and Astana (name at time of writing), with 18 of them offering shelter space. Information provided by the Interior Ministry on October 11 stated that presently there are [40 crisis centers](#), but did not indicate how many shelter spaces there are. The October 14 [letter](#) from the Labor and Social Protection Ministry stated that as of 2018, Kazakhstan had 29 crisis centers, of which 10 are state-funded with the capacity for 2,500 people and 19 are non-state funded centers with a total of 900 spaces. The Ministry of Labor and Social Protection also noted that starting in 2017, it provided funds to regional budgets, as well as to the city budgets of Almaty and Astana (as per the letter) to support social service organizations run by the government or nongovernmental groups.

Kazakhstan’s Domestic Violence Law guarantees survivors’ access to social services, including to shelter at government-run crisis centers. The Interior Ministry said in its [letter](#) that police cooperate with service providers and had referred more than 24,000 women for consultations already in 2019.

[Under the law](#), available services should include psychological and legal consultation and temporary accommodation to women fleeing abuse for up to six months, although it stipulates that temporary accommodation is only available to survivors based on the feasibility of the service provider organizations. The law requires service providers to maintain confidentiality and ensure the safety of the survivor. However, it also requires reporting domestic abuse to the police while protecting personal data, even when survivors refuse to file a complaint.

Some government-run crisis centers staff said that it is difficult to protect survivors’ personal information while simultaneously involving police in cases reported to them. Mandatory reporting of identifying information to police contradicts [guidance on service provision for domestic violence](#), which calls for confidentiality and

information-sharing only with a survivor's informed consent, with exceptions only where the health, life, or security of the survivor or others is deemed to be at risk.

Human Rights Watch visited three government-run centers and three run by NGOs. Staff members expressed a desire to provide adequate support and protection to survivors of domestic abuse with the information and resources at their disposal. Yet Human Rights Watch found that staff in the government-run crisis centers lacked sufficient training to provide services for victims of domestic violence.

Staff blamed women for provoking their partners and pressured them to reconcile with their abusers to keep their families intact. One crisis center employee said that the violence is often "a woman's fault, she pushes her husband to alcohol addiction, she does not listen to her husband, or has a difficult personality." Another employee at the same crisis center said the staff's approach "was usually to send [survivors] back to their husbands."

Anara, 25, sought shelter at a government-run crisis center with her three children in 2019, after her abusive partner repeatedly called and threatened to kill her. She said that staff at the crisis center insisted on informing a relative of her whereabouts, despite Anara's objection. She had to speak with the director to stop the center's employees from revealing her location. "Here [at the crisis center], reconciliation is their prime goal," Anara said. "That's not what I want."

Another survivor at the same crisis center said that she stopped attending counseling sessions after the psychologist advised her to return to her abusive husband. She recalled the counselor telling her, "Don't make your children orphans. Women are themselves at fault. You talk to [your husband]. He'll say in writing that he won't beat you."

Human Rights Watch also documented several instances in which staff at government-run centers invited survivors' abusers or relatives to the shelter, reportedly with the aim of trying to reconcile them or "find the reason for the abuse." Kazakhstan's [domestic violence law](#) allows police to "conduct preventive conversations" with abusers "in the formal premises of the entities of domestic violence prevention," which appears to have been interpreted to include crisis centers. This provision is at serious odds with effectively protecting the rights of survivors and with prioritizing their safety, confidentiality, and well-being, in keeping with [international standards](#).

Raushan, 27, said that she sought help at a government-run crisis center for a second time after she decided to divorce her husband in 2019. When she returned to the center, she discovered that employees had invited her mother-in-law and her husband, who were already there. "Employees of the crisis center pressured me to reconcile with my husband," Raushan said. "They told my husband to show me his hands, saying, 'Look [at his hands], he works hard. [This situation] is all your fault! If you do not return to your husband within six months, [the state] will take your kids away from you.'"

In some cases, Human Rights Watch found that women were not aware of their right to crisis center protection and did not know where to go for help.

Zarina, a 34-year-old mother of four, said that she only fled her abusive partner after her sister found out and told her about a hotline [for shelter]. "I had no idea there were places like this [crisis centers]," she said. "Where would I have gone otherwise?"

Lyazzat, a 48-year-old mother of one, said that after her husband fractured her rib in 2019, she hid out in her brother-in-law's house for three days because she did not know where else she could go. Lyazzat was able to move into a shelter after she discovered a hotline for victims of abuse in a magazine in her brother-in-law's home.

Recommendations

The government of Kazakhstan should:

- Urgently introduce criminal provisions to ensure domestic violence is a stand-alone crime and can be handled with a public prosecution, with appropriate punishments commensurate with the gravity of the abuse;
- In the meantime, enforce the existing law and prosecute abusers for assault and causing bodily harm to the fullest extent of the law;

- Ensure that police initiate, enforce, and monitor protection orders;
- Develop and implement mandatory training on domestic violence prevention and response for law enforcement officials, health care workers, and employees of government-run crisis centers in line with international standards and best practices;
- Ensure that social services for survivors are comprehensive, professional, and inclusive by systematically training staff at shelters, crisis centers, and service provider organizations;
- Conduct public awareness campaigns to educate the public about domestic violence, how and where to get services, and how to seek redress;
- Ensure that survivors of domestic abuse have immediate and straightforward access to protection, including through ensuring sufficient shelter spaces, including in rural areas;
- Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);
- Invite the United Nations (UN) special rapporteur on violence against women for a country visit to Kazakhstan.

Kazakhstan's international partners, including the United States, the European Union, and its member states, should press the government to address domestic violence, including calling on the authorities to make it a stand-alone crime. The UN special rapporteur on violence against women, its causes and consequences should request a visit to Kazakhstan.

ecoi.net summary:

Article on women facing domestic violence and appeal to government to improve legal framework and provide more training to first responders in order to ensure adequate protection of the victims and their access to justice

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