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CRIMINOLOGICAL PROBLEMS OF DOMESTIC VIOLENCE AGAINST WOMEN

Domestic violence against women is a global problem that has no cultural or geographic boundaries. Violence against women in all its forms and manifestations is a violation of human rights and freedoms.

The urgency of the problem of domestic violence lies in the fact that domestic violence is one of the most widespread forms of violence in women's lives – much more widespread than physical assault or rape by strangers or acquaintances.

The purpose of the article is a multifaceted analysis of the preconditions and factors of committing domestic violence for the effective prevention and fight against violence against women. The study is based on world experience and theoretical studies of scientists and international organizations, using modern criminological methodology. The article examines the factors influencing the commission of unlawful acts against women, the victimological aspect and the criminological characteristics of domestic violence.

As a result of the study, conclusions are drawn, proposals for the suppression and prevention of domestic violence are presented, an analysis of the current legislation governing legal relations in the studied area is carried out, actors of the prevention of domestic violence in Kazakhstan are given.

Key words: law, domestic violence, criminological characteristics, victimology, crimes and wrongful acts against women.

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Әйелдерге қатысты тұрмыстық-отбасылық күш қолданудың криминологиялық мәселелері

Әйелдерге қатысты отбасылық-тұрмыстық зорлық-зомбылық-мәдени немесе географиялық шектері жоқ жаһандық проблема (мәселе). Әйелдерге қатысты барлық зорлық-зомбылық нысандары мен көріністері адам құқықтары мен бостандықтарының бұзылуы болып табылады.

Отбасылық-тұрмыстық зорлық-зомбылық мәселесінің өзектілігі – жыныстық серіктес тарапынан зорлық-зомбылық әйелдер өміріндегі бейтаныс немесе таныс адамдар тарапынан физикалық шабуыл немесе зорлауға қарағанда әлдеқайда кең таралған зорлық-зомбылықтың түрлерінің бірі болып табылады.

Мақаланың мақсаты әйелдерге қатысты зорлық-зомбылықтың алдын алу және онымен күресу үшін отбасылық-тұрмыстық зорлық-зомбылықтың алғышарттары мен факторларын жан-жақты талдау болып табылады. Зерттеу заманауи криминологиялық (қылмыстық) әдіснаманы қолдана отырып, ғалымдар мен халықаралық ұйымдардың әлемдік тәжірибесі мен теориялық зерттеулеріне негізделген. Мақалада әйелге қарсы заңсыз әрекеттерді жасауға әсер ететін факторлар, тұрмыстық зорлық-зомбылықтың жәбірленушілік аспектісі және криминологиялық сипаттамасы қарастырылған.

Зерттеу нәтижесінде қорытындылар жасалды, отбасылық-тұрмыстық зорлық-зомбылықтың жолын кесу және алдын алу бойынша ұсыныстар ұсынылды, зерттелетін саладағы құқықтық қатынастарды реттейтін қолданыстағы заңнамаға талдау жүргізілді, Қазақстанда отбасылық-тұрмыстық зорлық-зомбылықтың алдын алу факторлары келтірілді.

Түйін **сөздер:** құқық, заң, отбасылық-тұрмыстық зорлық-зомбылық, криминологиялық сипаттама, виктимология, әйелдерге қарсы қылмыстар және құқыққа (заңға) қарсы әрекеттер.

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Криминологические проблемы семейно-бытового насилия в отношении женщин

Семейно-бытовое насилие в отношении женщин – глобальная проблема, которая не имеет культурных или географических границ. Насилие в отношении женщин во всех его формах и проявлениях является нарушением прав человека и его свобод.

Актуальность проблемы семейно-бытового насилия заключается в том, что домашнее насилие является одной из самых распространенных форм насилия в жизни женщин – гораздо более распространенной, чем физическое нападение или изнасилование со стороны незнакомых или знакомых людей.

Целью статьи является многогранный анализ предпосылок и факторов совершения семейно-бытового насилия для эффективного предупреждения и борьбы с насилием в отношении женщин. В основе исследования лежат мировой опыт и теоретические исследования ученых и международных организаций, с использованием современной криминологической методологии. В статье рассмотрены факторы, влияющие на совершение противоправных деяний против женщины, виктимологический аспект и криминологическая характеристика бытового насилия.

В результате исследования сделаны выводы, представлены предложения по пресечению и профилактике семейно-бытового насилия, проведен анализ действующего законодательства, регулирующего правовые отношения в исследуемой сфере, приведены факторы профилактики семейно-бытового насилия в Казахстане.

Ключевые слова: право, закон, семейно-бытовое насилие, криминологическая характеристика, виктимология, преступления и противоправные деяния против женщин.

Introduction

The Republic of Kazakhstan, on a par with other UN member states, has supported and adhered to almost all the main international obligations in the field of ensuring gender equality, and also assumed the responsibility to fulfill the Sustainable Development Goals until 2030, where one of the main tasks of the fifth Goal “ Gender Equality ” is the elimination of violence against women.

The fight against violence in modern society is one of the most important priorities of the state policy of Kazakhstan and belongs to the obligations assumed by the Republic and currently being implemented at the national level. In 2015, under the auspices of the National Commission on Women Affairs and Family and Demographic Policy under the President of the Republic of Kazakhstan, by General Prosecutor’s Office of the Republic of Kazakhstan active work was carried out in the framework of the project “Kazakhstan without violence,” which combined the efforts of all government agencies, non-governmental and international organizations.

Due to the specifics of acts in the family and everyday life, a woman is more likely to become a victim at home – seemingly safe than on the street or in other predictable places. The high risk of domestic violence lies in the fact that a woman, as a vic-

tim, may receive not only physical or psychological trauma, but also die.

Getting married, a woman often, along with the joys of family life, receives in the person of her husband, his relatives and friends a source of constant anxiety, emotional stress and conflicts. Physical abuse in marriage is always preceded by a streak of mutual dissatisfaction, psychological pressure, verbal battles, alienation, hostility.

Physical and sexual violence in the family involves a close relationship between the victim and the perpetrator and is expressed in abuse and lack of assistance. What means do women choose to fight back violence in marriage? The range of behavioral responses to violence is quite large. Someone endures and is silent, someone makes scandals, argues, persuades, scolds, some leave the house and file for divorce.

The reasons of the violent behavior of abusers are psychological and social based. In many cases, violence provokes the rapist’s psychological health – bad mood, nervousness, jealousy, an inferiority complex, low self-esteem, megalomania, indifference of the wife, her insubordination or simply her sociability, fear of losing his wife or the costs of upbringing. To a large extent, the aggressiveness is caused by social factors – financial problems, unstable work. The reasons for committing offenses in the field of family and domestic relations is

the conflict that has arisen, supported by the joint drinking of alcohol, hostile relations, low social level and jealousy. Women seldom provoke men to violence or aggression themselves. The provocation of aggressiveness, if it occurs, consists, as a rule, in retaliatory or initiating insults, remarks or claims. Participants of in-depth interviews who suffered from domestic violence were constantly exposed to it and hid the facts of violence from others, even if it threatened their lives. In some cases, the physical damage was so severe that it led to disability.

In addition, there are many stereotypes that force women to continue living with a rapist without seeking external help, reinforced by the fear of being alone, without financial support, and depriving their children of a full-fledged family.

Materials and methods

In the study of the questions raised, a logical, formal – legal, analytical, as well as a functional method is used that reveals the qualitative characteristics of the research subject, which allows to determine the essence of the institution under study, the possibility of the regulatory impact of industry legislation on the state of law and order in the Republic of Kazakhstan. In the scientific analysis undertaken by the authors, the principles of complexity and consistency are consistently carried out and productively combined, which made it possible to more fully, scientifically actualize the issues of criminological problems of domestic violence against women.

Results and discussion

Overall, the overwhelming majority of victims of domestic violence worldwide are women, and it is women who tend to experience more serious forms of violence.

In 2017, the sample survey on violence against women included the following objectives: The survey was designed to provide important data on prevalence, violence against women, the impact of violence on women's health and well-being, and women's access to help. (Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan, 2017)

This sample survey made it possible to obtain answers to the following questions:

1. What is the prevalence and frequency of physical violence against women aged 18 and over? Who are the main culprits?

2. What is the prevalence of violence against women aged 18 and over by non-intimate partners? Who are the main culprits?

3. What are the consequences of domestic violence for various aspects of women's lives? To what extent does violence affect women?

4. What family and individual factors are associated with the occurrence of various forms of partner violence against women?

5. What actions / coping strategies do women use when responding to violence? Are there specific people or organizations that they would rather turn to for help?

This study was conducted using qualitative and quantitative components, including a 12 focus groups, 14 provinces and 2 cities of the Republic of Kazakhstan and 14 342 women interviewed. Participants identified several factors that, in their opinion, are the reasons for the use of violence by men against women. Alcohol abuse (almost all victims of violence and men who committed violence indicated that violent acts were committed while intoxicated), economic problems and lack of work in men, which result in psychological stress and displacement of disorder on a woman, were named. It is widely believed that in some cases women themselves provoke violence, or do not have the knowledge and skills to resolve and reduce the intensity of conflicts ending in violence. Page 49

The study found that some women have a higher risk of becoming a victim of domestic violence, mainly:

- women with a low level of education;
- women who are not currently employed or have never worked;
- women with children and economically dependent on their husbands;
- women with low self-esteem;
- women who do not have sufficient legal literacy.

At the end of 2009, in accordance with paragraph 15 of the Concluding Observations of the UN SIDO Committee (UN Committee on the Elimination of Discrimination against Women) , the Republic of Kazakhstan adopted the Law "On the Prevention of Domestic Violence". By this law, employees of the internal affairs bodies are empowered to issue protective orders against persons committing offenses aimed at protecting the rights of victims.

According to the Kazakh authorities, the number of complaints of domestic violence in 2018 increased by 104 percent compared to 2015. (Manshuk Asautai, 2019)

According to the results of a study conducted with the UN, about 17 percent of women have experienced physical or sexual violence by their partner in their life, and one in five – psychological. One third of the women surveyed complained about the manifestation of control by men.

To analyze the offenses committed in the Republic of Kazakhstan, consider the data on the offenses committed for the reporting period from January 2020 to December 2020. (Table 1)

Table 1 – Ministry of Internal Affairs of the Republic of Kazakhstan, 2021; Information service Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic of Kazakhstan, 2020

Offense	Number of offenses registered in the ERDR	Offenses committed against women
Article 99 of the Criminal Code of the Republic of Kazakhstan Murder	629	133
Article 107 of the Criminal Code of the Republic of Kazakhstan Intentional infliction of moderate harm to health	2634	671
Article 106 of the Criminal Code of the Republic of Kazakhstan Intentional infliction of serious harm to health	1925	234
Art. 120 of the Criminal Code of the Republic of Kazakhstan Rape	595	584
Art. 110 of the Criminal Code of the Republic of Kazakhstan Torture	32	22
Art. 73 CAO RK Unlawful actions in the field of family and domestic relations	229	229
The number of criminal offenses committed in the family and household sphere	1071	-

Based on the official data of the Committee on Legal Statistics and Special Accounts of the Republic of Kazakhstan, out of 5815 reported offenses, 1664 were committed against women.

At the same time, according to information posted by the media portal Polisia.kz, September 3, 2020, only in Almaty the number of crimes against women has been reduced by more than two times. According to the local police service, since the beginning

of the year, the registration of crimes against women has been reduced by 2.2 times in Almaty, including: – causing grievous bodily harm – by 2 times; – infliction of average harm to health – by 14.9%; – rape by – 2 times; – theft – 2.6 times; – robberies – 3.1 times; – robberies – 2.3 times; – hooliganism – by 49.2%; – fraud – by 18.8%. In the field of family and household relations, 15 crimes have been committed since the beginning of this year with the same period. 13 of them were committed after joint consumption of alcoholic beverages, 4 – on the basis of jealousy, 8 – by spouses, 5 – by cohabitants, 4 – by close relatives. Total in 2020, criminal offenses in the family and domestic sphere made – in 1071, compared to the year 2019, where similar offenses committed – 1049.

Turning to the global statistics presented in the report of the UN “Global murder investigation in 2019”, we see: in consequence of domestic violence 34 % of women killed by intimate partners, 24% of women killed by other members of the family, 42% of women killed persons is not schimisy family. (Graph 1)

In accordance with Figure 1, the analysis covers the percentage of women killed in 2017 in the 5 regions – Africa, America, Asia, Europe and Oceania. Although almost six out of every ten women (58 %) intentionally killed worldwide are killed by an intimate partner or other family member, there are marked differences in this proportion between these regions.

In four of the five regions, this proportion is very high, making the home the most likely place to kill a woman. At the upper limit, more than two-thirds of all women (69 %) intentionally murdered in Africa are killed by intimate partners or other family members, while the lowest proportion of women killed by intimate partners or other family members was in Europe (38%). Oceania has the highest proportion of women murdered by exclusively intimate partners, 42%, and Europe has the lowest, 29%.

Some countries in the Americas have very high rates of homicide related to crime (mainly organized crime), which means that the proportion of homicides related to family relations and homicides involving intimate partners among all homicides is lower than in other regions, although the number of victims is still high (46%). With the exception of Oceania, the difference in the proportion of murders committed by an intimate partner or other family members (63%) and murders committed by an exclusively intimate partner (42%) is less noticeable between regions.

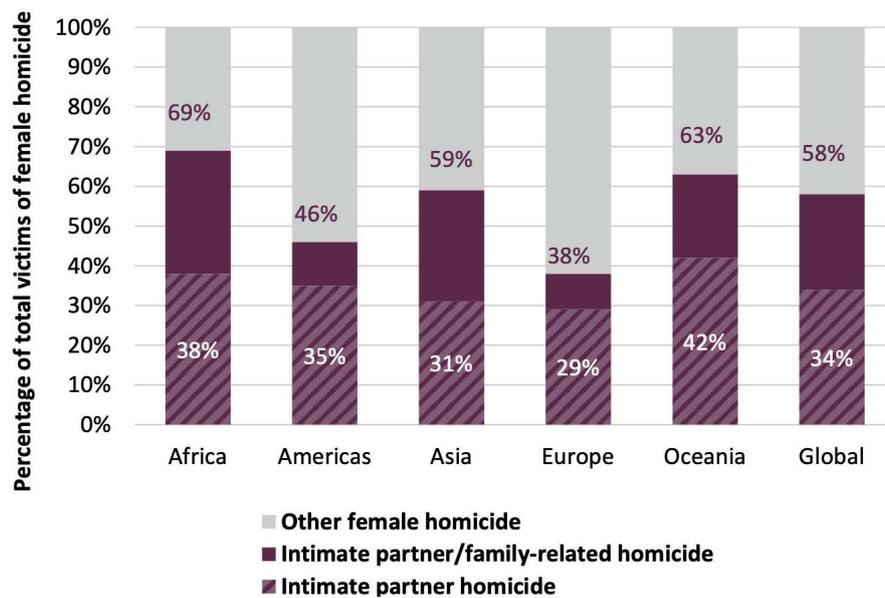


Figure 1 – UNODC “Global study homicide 2019”, Booklet 5, Vienna 2019: 17

Although murder by an intimate partner or other family member is the most important factor in understanding the extent of female mortality, this form of murder accounts for only a relatively small proportion of all murders (male and female) recorded worldwide. Despite the fact that women and girls account for a much smaller share of the total number of homicides than men, they bear the largest burden of family-related homicide. Thus, 81% of murders worldwide occur only among men, while only 19% of murders are committed against women. At the same time, 64% of women die at the hands of roommates and other family members, versus 36% of killed men. At the hands of only intimate partners, 82% of women died against 18% of killed men.

Meanwhile, offenses committed in the family and domestic sphere, have a latent second nature, as in real life, the facts of violence is much more than that becomes known to law enforcement agencies and the public.

This is primarily due to the fact that women often hide the fact of violence against them by their spouses. In addition, a significant number of victims are reconciled, reject their initial statements, or refuse to undergo a medical examination. In this regard, it becomes difficult for law enforcement agencies to collect the necessary material, as a result, this serves as a basis for refusing to initiate a criminal case.

Questioning of women in all regions of Kazakhstan, carrying out th Ministry of the Interior showed

that the main cause of violence in the family are the property disputes and jealousy.

Thus, most of the respondents or 34% indicated the cause of domestic violence – property disputes, 26% – pointed to jealousy of spouses, 25% – to alcoholism, 12% – interference of other persons in the family life of spouses, 7% – answered about the occurrence of disagreements between spouses.

Analysis showed that about 70-75% of illegal actions in the sphere of family relations, have committed are in apartments, houses and other residential buildings, yards and their surroundings, that is, where the victim, it would seem, should feel secure.

More often, violent crimes of the analyzed category are committed in rural areas, more than 60%. Only 40% of violent crimes against women are recorded.

The participants believe lack of work with abusers, since they are only punishable when their acts become known to law enforcement.

Thus, citizen I. and citizen N. have been married for 16 years, during the years of marriage they had three children, aged 16, 10 and 1.5 years. During the entire marriage, citizen I. was subjected to systematic beating by her husband, according to her, she did not apply to the law enforcement agencies and suffered violence in order to save her family.

Unfortunately, this behavior is typical for victims of domestic violence. Returning to theory and practice, in such situations, the victim accepts such

an attitude towards himself as part of family and domestic relations, often being in material or mental dependence on the partner. While the offender considers such an attitude towards the victim justified and believes that his actions will not become public due to social and moral principles, or knowing that the victim will not turn to law enforcement agencies, thus, this gives rise to impunity for the illegal deeds.

In the case of citizen I., after 16 years of family life, systematic beatings, humiliation and insults, their eldest son became a victim of her husband. In the winter of 2020, a 16 year old boy was admitted to hospital with a fractured collarbone due to beating. In the end, under the rules, health professionals sent the information to law enforcement agencies to file a criminal complaint on this fact was recorded in the material ERDR. However, even after that, citizen N. persuaded citizen I. to keep the family in the name of the children and their future.

At the same moment citizen I. filed a statement of claim for divorce. She was forced to hide with her children from the persecution of her husband. 5 months later, after unsuccessful attempts by the court to reconcile the spouses, in the summer of 2020 their marriage was dissolved, citizen N. was not deprived of parental rights, which allowed him a month later to take three children for a walk, including the youngest child who was breastfed. After the walk, he returned the older children, took the younger and took them away in an unknown direction, turned off the phone and did not get in touch anymore. Citizen I. was in a helpless state and completely unaware of the whereabouts of her child. The law enforcement agencies referred to the fact that the law had not actually been violated, the father had the right to communicate and be with his children, the case was not accepted for proceedings. After 5 days, he returned the child to the mother. Today, she is fighting for full custody of the children and for the restriction from communication with her ex-husband on the basis of the Law.

Another story is Inkar Kenzhebaeva, who lives in a crisis center today. At the age of 25, she met a man on the Internet, after a month of epistolary communication, she found out that he was in prison, but still continued to communicate with him and decided to wait for his release, and they got married in prison. After three years of waiting, they met, at the end of August 2016, he took Inkar away from home, a year later, the woman found out that her husband was making money illegally, five months later he was detained, he soon returned home, after another month he began to drink. After another drink of alcohol, he pounced on Inkar with an ax. At that

time, they already had a daughter, he tore her out of the woman's hands and threw her on the bed, after which he escorted the woman out into the street and threatened to hack to death. That night, she managed to escape from him and hide in a nearby building. In the morning she returned home, he no longer remembered what had happened, but he asked for forgiveness and promised not to repeat this again. That night, among other things, he beat her. Inkar told her husband that she did not believe him and was leaving him, but her husband persuaded her to stay and for the sake of his daughter again promised not to do this. She stayed. The woman developed fear, she was afraid of her husband, according to her, she kept asking him for forgiveness. Over time, he stopped letting Inkar go home to his mother and forbade him to communicate with everyone, including her younger brother and sister. Threatened that something would happen to her. Once again, when her husband was drunk, he heated oil on the stove and poured hot oil on her legs. A month later, the wounds healed, but all this time he did not let the woman out of the house and did not even allow her to go to the hospital. That same night, he conducted an electric current along the fence around their house so that Inkar could not escape. Since then, Inkar has been repeatedly beaten by her husband. For the sake of her daughter, Inkar endured everything. One day he took her to the river "Almatinka" and told her to swim after, a woman came out of the water, he attacked her with a knife, struck 23 hits in the head, after which he decided to hang it and remove it all on camera, but wanted her to do it herself, to make it look like suicide, and not to be accused. Inkar agreed, he put on gloves and put the rope around her neck. She was about to die and kicked the stool under her feet. Out of surprise, he ran up and cut the rope, saying that he was not going to kill her, but only wanted to torment her. Immediately asked her to make him coffee, Inkar covered in blood – and saw her daughter began to cry, the woman took the child in his arms, the husband started watering them with water, not paying attention to the fact that in the hands of her child. Since then, Inkar says, her daughter has been afraid of water. The woman tells the story six months after the incident, in March 2020, her head wounds did not heal for a long time, she had to shave her hair. The wounds have healed. A man is serving a sentence in prison for a term of 2.5 years for the rape of another woman. Today Inkar is 31 years old.

The husband of another woman is at large, she, like Inkar, lives in a crisis center. We met a man in 2012, since then we have been living together, in

2013 a son was born. The man began to beat the woman for crying a child. In 2016, they entered into a legal marriage, their second child was born. However, the beatings and binges did not end. The third child was born in 2017 with cerebral palsy (cerebral palsy). The woman gave birth to him with a hematoma of the uterus – the result of beating by her husband. Repeatedly applied to similar centers in her hometown, Uralsk, lived several times, came to the center in Almaty in the direction of inspectors. The man even beat her for the open front door or for talking on the phone. As the woman says, she forgave him for the sake of three children and a daughter with a diagnosis, she did not know where to go. Nevertheless, several times she left him for her parents, her parents did not want her to return to her husband, they said that he would not change. The first time he beat her, she was very scared and did not go to the police. Subsequently, the police received complaints from the woman and today she is in a crisis center.

The story of the fourth woman, who is also in a crisis center, began with her marriage. He was married, at first everything was fine. After a while, the husband began to drink and raise his hand to her. The woman forgave him all the time. After ten years of marriage, the woman decided to leave the man, since she had nowhere to go, she turned to one of the crisis centers in Almaty. It was very difficult for her, but the center helped her. After that, the woman decided to return to her husband and give him another chance, she represented family life, there are still children. But nothing happened, and the woman returned to the center again. For the sake of children and the future, he wants to leave everything behind and start a new life.

What we see women 's return to his aggressor or not go at all, for one reason or another : children, financial dependence, fear of loneliness, social customs and traditions , which do not allow because of their beliefs to soberly assess the situation and to protect themselves and their parents female victims to keep their daughters safe from potential murderers. From a victimological point of view, these women create a victimized situation for themselves , that is, a situation with certain initial events that contribute to their transformation into a real victim, regardless of their will, deliberately ignoring objective circumstances. The main danger of domestic violence and violence in general is that a woman is at the highest risk of dying. Women cannot stand up for themselves, since they are physically weaker than men by several times, but as reality shows, not only physically, but also from a social point of view.

How is a woman protected today? Many social experiments, social surveys and other studies show that 9 out of 10 women are faced with the idea of how not to become a victim and return home safe and sound. For example, returning home, they think about what to protect themselves from available means, what safer route to take on the way home.

Returning to the topic of domestic violence, even if a woman is able to stand up for herself and defend herself from a rapist, such defense often ends in failure for the aggressor, the cost of such defense is life. Thus, a woman runs the risk of changing her status as a victim to a murderer, serving a sentence in accordance with criminal law.

Consider another, more difficult situation, when a woman, defending herself, harms the health of the aggressor, regardless of the severity. The psychology of the rapist is structured in such a way that a woman who defended herself and her life falls into the trap of a manipulator-aggressor and he threatens to turn to law enforcement agencies or make himself a victim of domestic violence in the eyes of friends, relatives or the public. In such a situation, they try to convince a woman that she is in an absolutely helpless position – she has nowhere to go, she will not prove anything, no one will believe her, because in most such cases, the male aggressor has an almost perfect reputation, a pleasant social and moral character. In such a situation, of course, a woman must finally make a strong-willed decision and get away from the aggressor by any means, and that even if she has nowhere and no one to go to, there are always people and services that will help her. Comprehensive work to improve the effectiveness of the fight against domestic violence against women comes to the rescue in such situations: the creation of centers to support victims of violence, the dissemination of information about their existence, the availability of methods of communication with such centers, the provision of psychological assistance to women and children , legal and other support women victims of domestic violence at first, while law enforcement agencies are dealing with the aggressor.

To date, in the Republic of Kazakhstan, in order to prevent family and domestic violence, increase the efficiency of legislation and improve the services provided for victims of violence, Family Support Centers, crisis centers, shelters, as well as the National Commission on Women and Family and Demographic Policy under To the President of the Republic of Kazakhstan.

The National Commission for Women Affairs and Family and Demographic Policy under the President of the Republic of Kazakhstan is an advi-

sory and advisory body. One of the tasks of which is the elimination of violence in the family and in the workplace and the introduction of international experience in combating violence against men, women and children;

Crisis Centers ALE “Union of Crisis Centers” unites 18 organizations from 12 regions of the country. The work of the Union is aimed at preventing gender-based violence and all forms of discrimination, forming a culture of non-violent relations in society. Hotline at 150. The members of the union of crisis centers are:

Aktobe city: “Umit”, Women’s Support Center;

Kyzylorda city: “Jean” Day shelter for victims of domestic violence at the “Society of Women small business.”;

Petropavlovsk city: “Women’s Support Center”;

Ust-Kamenogorsk city: “Center for Development and adaptation “Phoenix”;

Shymkent city: “Association of Business Women of the South Kazakhstan region”, Legal Center for Women’s Initiatives “SanaSezim”, “Aruanalar”;

Zhambyl area, city Sarykemer: “Otandastar “

Kokshetau city: “Development and support of psychological culture”

Zhezkazgan city: “Tomiris”;

Temirtau city: “Center for Development and Social Assistance to the Population “My House”.

In the city of Almaty there are:

Er Azamat “,

“Tin Challenge Kazakhstan”,

“Shelter” program,

“Life Line”;

“Center for Social and Psychological Rehabilitation and Adaptation for Women and Children” Rodnik “. Helpline: [+7 727 396 19 38](tel:+77273961938) .

Shelter “Arasha ». Helpline : [+7 727 317 57 17](tel:+77273175717).

Public Fund “NE MOLCHI KZ”. Helpline: [+7 705 151 0000](tel:+77051510000)

Today, heads of crisis centers and public figures demand the criminalization of domestic violence.

Let us consider the normative interpretation of unlawful acts in the framework of family and domestic relations, that is, those acts in which the subject of the offense is a natural, sane person who has reached the age of criminal and administrative responsibility and is in family and domestic relations with the victim, as well as punishment and other measures, measures applied to the offender, measures to protect the victim from violence.

The legislation of the Republic of Kazakhstan provides for administrative responsibility for unlawful acts in the field of family and domestic violence. Part 1 of Article 73 of the Code of Administra-

tive Offenses reads: “ Obscene language, insulting harassment, humiliation, damage to household items and other actions expressing disrespect for persons who are in family and domestic relations with the offender, disturbing their peace of mind, committed in an individual residential house, apartment or other dwelling, if these actions *do not contain signs of a criminally punishable act* , – entail a warning or administrative arrest for up to five days. »Acts committed repeatedly within a year after the imposition of an administrative penalty on the basis of h1. Article 73 of the Code of Administrative Offenses of the Republic of Kazakhstan entails administrative arrest for up to 10 days, however, administrative arrest cannot be applied to pregnant women and women with children under the age of fourteen, persons under the age of eighteen, disabled persons of groups 1 and 2 , as well as women over the age of fifty-eight years old, men over sixty-three years old and men raising children alone under the age of fourteen, a fine of five monthly rates is applied to these persons.

At the same time, in accordance with Article 20 of the Law of the Republic of Kazakhstan “On the Prevention of Domestic Violence”, in the absence of grounds for administrative detention and grounds for procedural detention of a suspect in a criminal offense, as well as in order to ensure the safety of the victim, authorized persons are issued a protective order that prohibits the commission of domestic violence, against the will of the victim, to search for, harass, visit, conduct oral, telephone conversations and enter into contacts with him in other ways, including minors and (or) disabled members of his family. The protective order is in effect for thirty days from the moment of its delivery to the person in respect of whom it was issued. Compliance with the order of protection is reviewed at least once every seven calendar days. Violation of a protective order entails administrative liability in the form of a warning or administrative arrest for up to five days. (Article 461 of the Administrative Code of the Republic of Kazakhstan).

So, for committing domestic violence, which does not contain signs of a criminal offense – a warning or arrest for 10 days.

Repeated offense within a year – administrative arrest for 10 days, or a fine of 5 MW, as of the time of the study – 13,890 tenge.

Other acts committed by the aggressor against the victim are qualified under the articles of the Criminal Code of the Republic of Kazakhstan.

To date, in the Republic of Kazakhstan is the question of adoption of the law “On Combating domestic violence”, which is defined lit. legal,

economic, social and organizational bases of activity of state bodies, local governments, organizations and citizens of the Republic of Kazakhstan on counteraction to family and domestic violence .

Conclusion

Summing up the results of this study, the issue of combating and preventing domestic violence is

acute. The analysis of the above data showed that offenses in the studied area are committed every day, women are in a vulnerable situation, despite the legislative norms that protect their rights and freedoms. In this regard, we propose to consider complex measures of a theoretical, practical and imperative nature as one of the most effective methods of combating domestic violence. The family is the most important institution of civil society in Kazakhstan.

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