

Research Article

## LEGAL FRAMEWORKS FOR COMBATING VIOLENCE AGAINST WOMEN IN KAZAKHSTAN: ANALYSING EFFECTIVENESS AND IMPLEMENTATION GAPS

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### ABSTRACT

**Background:** The legislative framework pertaining to violence against women (VAW) in Kazakhstan has undergone significant modifications in recent years, reflecting a growing recognition of the significance of comprehensive approaches to address this widespread issue. Although legal frameworks have been established to protect victims and prevent violence, challenges remain in their implementation and effectiveness. This study aims to analyse VAW legislation in Kazakhstan, examining its strengths and weaknesses, as well as its impact on victim protection and the wider social context.

**Methods:** The study employs documentary analysis to analyse key legislation and policy documents, including the Law on the Prevention of Domestic Violence and the Concept of Family and Gender Policy until 2030. Recurring themes, legislative gaps, and obstacles in their implementation were uncovered through a systematic content analysis approach.

**Results and Conclusions:** The results reveal that, though the legal instruments in Kazakhstan provide the necessary protection for victims, there are still significant challenges regarding inconsistent enforcement, limited access to support services, and deep-rooted cultural attitudes toward VAW. Access to justice for survivors of VAW remains a key issue in Kazakhstan due to significant gaps in legal protections and resources, especially in rural areas, which hinder the effective pursuit of justice. The analysis highlights the need for a more victim-centred approach, addressing the causes of VAW, and stresses that public awareness and education have a considerable impact on changing society's perception. The study concludes that despite positive developments in legislation, the application of laws against VAW in Kazakhstan suffers from improper mechanisms for implementation and support mechanisms. Therefore, there is a pressing need for increased enforcement, funding for support services, and dedication to cultural transformation. By addressing these issues, Kazakhstan can foster a safer environment.

## 1 INTRODUCTION

VAW is a pervasive and deeply rooted issue globally that affects millions of people's lives worldwide.<sup>1</sup> It can take many forms, including physical, sexual, emotional, and economic violence, non-partner sexual assault, intimate partner violence, and female genital mutilation.<sup>2</sup> Beyond the direct injury to victims, VAW has an impact on the social, cultural, and economic spheres and influences public health and financial stability.<sup>3</sup>

In Kazakhstan, VAW has become a pressing issue that requires immediate response.<sup>4</sup> Kazakhstan has made significant progress in protecting human rights and addressing VAW over the past few decades.<sup>5</sup> These efforts are evident in the development and enforcement of numerous legislative and policy measures, including the adoption of the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030,<sup>6</sup> the creation of the Concept of Ensuring Public Safety in partnership

- 1 Sesha Kethineni, Murugesan Srinivasan and Suman Kakar, 'Combating Violence against Women in India: Nari Adalats and Gender-Based Justice' (2016) 26(4) *Women and Criminal Justice* 281, doi:10.1080/08974454.2015.1121850; Selver B Sahin, 'Combatting Violence against Women in Turkey: Structural Obstacles' (2022) 28(2) *Contemporary Politics* 204, doi:10.1080/13569775.2021.1992131; Margarita Garfias Royo and others, 'Violence against Women in Corregidora, Mexico: The Disconnect between Women's Experiences and Stakeholders' Views' (2024) 34(1) *Development in Practice* 49, doi:10.1080/09614524.2023.2265586.
- 2 OECD, 'Violence against Women: (Indicator)' (OECD, 2024) <<https://www.oecd.org/en/data/indicators/violence-against-women.html>> accessed 5 October 2024; Lynnmarie Sardinha and others, 'Global, Regional, and National Prevalence Estimates of Physical or Sexual, or Both, Intimate Partner Violence against Women in 2018' (2022) 399 *The Lancet* 803, doi:10.1016/S0140-6736(21)02664-7; Ana María Iregui-Bohórquez, María Teresa Ramírez-Giraldo and Ana María Tribín-Urbe, 'Domestic Violence Against Rural Women in Colombia: The Role of Labor Income' (2019) 25(2) *Feminist Economics* 146, doi:10.1080/13545701.2019.1566752.
- 3 Ozden Gokdemir and others, 'Domestic Violence: Rehabilitation Programme for the Victim and Violent / Predator' (2022) 37(5) *Social Work in Public Health* 448, doi:10.1080/19371918.2021.2019165.
- 4 Manisha Joshi and Saltanat Childress, 'A National Survey of Attitudes toward Intimate Partner Violence among Married Women in Kazakhstan, Kyrgyzstan, and Tajikistan: Implications for Health Prevention and Intervention' (2017) 56(4) *Social Work in Health Care* 294, doi:10.1080/00981389.2016.1268660; Assem Makhadiyeva and others, 'Personal Profile of Women Subjected to Domestic Violence in Kazakhstan' (2019) 9(1) *Journal of Advanced Pharmacy Education and Research* 108.
- 5 Kanatay Dalmatov and others, 'Addressing Human Rights Violations in the Criminal Justice System of Kazakhstan: The Role of the Prosecutor's Office and a Call for Legislative Reforms' (2024) 7(3) *Access to Justice in Eastern Europe* 63, doi:10.33327/AJEE-18-7.3-a000323.
- 6 Decree of the President of the Republic of Kazakhstan no 384 of 06 December 2016 'The Concept of Family and Gender Policies in the Republic of Kazakhstan until 2030' <<https://www.fao.org/faolex/details/en/c/LEX-FAOC192054/>> accessed 5 October 2024.

with society for 2024-2028,<sup>7</sup> and the enactment of the Law on the Prevention of Domestic Violence.<sup>8</sup>

A significant turning point in the legal response to VAW was the passage of the Law on the Prevention of Domestic Violence in 2009, designed to provide a thorough framework for victim support and protection. However, the effectiveness of this legal framework remains uncertain. International human rights organisations and independent observers often document the pervasiveness of VAW in Kazakhstan.<sup>9</sup>

Although significant legal measures, such as the Law on Domestic Violence and ratification of international human rights treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),<sup>10</sup> have been introduced, enforcement challenges persist.<sup>11</sup> Many women still face barriers to accessing justice due to societal stigma, limited awareness of their legal rights, and inadequate support from law enforcement authorities.<sup>12</sup>

Given the legislative advancements and the commitment to international human rights standards, it is crucial to analyse the current legal frameworks addressing VAW in Kazakhstan. This examination can offer valuable insights into the effectiveness of current laws while identifying implementation gaps that impede their practical application. This article seeks to contribute to the ongoing discussion on enhancing policies and practices to tackle VAW in Kazakhstan by examining these dimensions.

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7 Resolution of the Government of the Republic of Kazakhstan no 1233 of 29 December 2023 ‘The Concept of Ensuring Public Safety in Partnership with Society for 2024-2028 (in the field of crime prevention)’ <<https://adilet.zan.kz/kaz/docs/P2300001233>> accessed 5 October 2024.

8 Law of the Republic of Kazakhstan no 214-IV ZRK of 4 December 2009 ‘On the Prevention of Domestic Violence’ <<https://www.refworld.org/legal/legislation/natlegbod/2009/en/122800>> accessed 5 October 2024.

9 Amnesty International, *The State of the World’s Human Rights: April 2024* (Amnesty International Ltd 2024) <<https://www.amnesty.org/en/documents/pol10/7200/2024/en/>> accessed 5 October 2024; Human Rights Watch, ‘World Report 2024: Kazakhstan (events of 2023)’ (*Human Rights Watch*, 2024) <<https://www.hrw.org/world-report/2024/country-chapters/kazakhstan>> accessed 5 October 2024.

10 Convention on the Elimination of All Forms of Discrimination against Women A/RES/34/180 (18 December 1979) <<https://digitallibrary.un.org/record/10649?ln=en>> accessed 5 October 2024.

11 Statistical Committee of the Ministry of National Economy of the Republic of Kazakhstan, *Sample Survey Violence Against Women in Kazakhstan* (Ministry of National Economy of the Republic of Kazakhstan 2017) <<https://eca.unwomen.org/en/digital-library/publications/2018/08/sample-survey-on-violence-against-women-in-kazakhstan>> accessed 5 October 2024.

12 Dalmatov and others (n 5); Joshi and Childress (n 4).

## 2 LITERATURE REVIEW

VAW is a widespread violation of human rights that affects both individual victims and societal cohesion. It highlights the urgent need for effective identification of victims and perpetrators, as well as the implementation of comprehensive rehabilitation programs, particularly in low and middle-income countries.<sup>13</sup> VAW is often caused by gender inequality, cultural norms that encourage male dominance, economic dependency, and a lack of legal protections and support systems for victims.<sup>14</sup>

Recent global studies indicate that resolving these problems is essential to enhancing the efficacy of legal frameworks and guaranteeing that victims receive sufficient protection and assistance. According to Qazi Zada,<sup>15</sup> women in Afghanistan will continue to experience extreme discrimination and violence if structural problems are not addressed. These include conflicts between Islamic law and customs, ambiguous authority in constitutional interpretation, and inadequate implementation of VAW laws. The author emphasises how Afghanistan's legal and constitutional framework has numerous inconsistencies and gaps that compromise women's rights and perpetuate VAW. The analysis revealed that significant reforms are required, including strengthening current legislation, such as the Elimination of Violence Against Women statute, and amending the constitution.

Similarly, Mitali Jahan's study<sup>16</sup> found that despite the enactment of the Domestic Violence Act in 2010, domestic violence in Bangladesh is widespread due to poor implementation, cultural barriers, and lack of comprehensive support services. The findings highlight the need for a multifaceted approach to tackle the problem effectively.

Several studies emphasise that education enhances individuals' ability to acquire and process new information, leading to better decision-making, including increased legal awareness of new laws and services related to gender equality and VAW.<sup>17</sup> Education is

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13 Gokdemir and others (n 3).

14 Rebecca L Heron, Maarten Eisma and Kevin Browne, 'Why Do Female Domestic Violence Victims Remain in or Leave Abusive Relationships? A Qualitative Study' (2022) 31(5) *Journal of Aggression, Maltreatment and Trauma* 677, doi:10.1080/10926771.2021.2019154; Washington Muzavazi and others, 'A Comparative Analysis of the Causes of Gender-Based Violence Against Women Between Low and High-Income Households in Manicaland Province of Zimbabwe' (2022) 8(1) *Cogent Social Sciences* 2138104, doi:10.1080/23311886.2022.2138104.

15 Sebghatullah Qazi Zada, 'Breach of Afghanistan's International Obligations Using the Due Diligence Standard to Combat Violence against Women' (2021) 25(10) *International Journal of Human Rights* 1857, doi:10.1080/13642987.2021.1895764.

16 Mitali Jahan, 'How Legal Change Happened through Effective Policy Advocacy in Bangladesh: Adoption of the Domestic Violence Law' (2017) 23(3) *Asian Journal of Women's Studies* 401, doi:10.1080/12259276.2017.1351590.

17 Bilge Erten and Pinar Keskin, 'Does Knowledge Empower? Education, Legal Awareness, and Intimate Partner Violence' (2022) 28(4) *Feminist Economics* 29, doi:10.1080/13545701.2022.2061029.

instrumental in tackling VAW by addressing its root causes, changing society's attitudes, and empowering individuals.<sup>18</sup>

Meanwhile, some authors stress the effectiveness of grassroots advocacy and informal women's courts in empowering women, particularly in rural areas, through legal literacy and offering prelitigation alternatives to formal courts.<sup>19</sup> Others argue that the implementation of independent legal representation for victims of intimate partner violence in family violence court proceedings can help protect their rights, ensure safety, and provide support during complex legal processes, but there are concerns about potential imbalances in adversarial systems.<sup>20</sup>

Effectively preventing domestic violence in low and middle-income countries necessitates a deep understanding of the sociopolitical, economic, and cultural contexts, along with coordinated efforts and collaboration among various stakeholders at multiple levels.<sup>21</sup> Alongside these measures, the importance of robust national legislation on VAW cannot be overstated. Effective legislation provides clear definitions of violence, outlines the rights of victims, and establishes the duties of authorities in preventing and addressing VAW.<sup>22</sup> Such legislation forms the cornerstone of individual protection and creates a legal framework to ensure accountability for offenders. Analysing national legislation on VAW is crucial for several reasons, as it serves to identify gaps, enhance legal protections, and promote accountability.

### 3 METHODS

This study employs a qualitative research design to explore the effectiveness of legal frameworks addressing VAW in Kazakhstan and to identify the implementation gaps. A qualitative approach is deemed appropriate for understanding the complex interplay of legal, social, and cultural factors and the efficacy of existing laws. Documentary analysis is conducted to examine key legal and policy documents concerning VAW in Kazakhstan, such as the Law on Prevention of Domestic Violence, its subsequent amendments, and the

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18 Leah Okenwa-Emgwa and Eva von Strauss, 'Higher Education as a Platform for Capacity Building to Address Violence against Women and Promote Gender Equality: The Swedish Example' (2018) 39 *Public Health Reviews* 31, doi:10.1186/s40985-018-0108-5.

19 Kethineni, Srinivasan and Kakar (n 1).

20 Mary Iliadis, Kate Fitz-Gibbon and Sandra Walklate, 'Improving Justice Responses for Victims of Intimate Partner Violence: Examining the Merits of the Provision of Independent Legal Representation' (2021) 45(1) *International Journal of Comparative and Applied Criminal Justice* 105, doi:10.1080/01924036.2019.1695639.

21 Erminia Colucci and Ghayda Hassan, 'Prevention of Domestic Violence against Women and Children in Low-Income and Middle-Income Countries' (2014) 27(5) *Current opinion in psychiatry* 350, doi:10.1097/YCO.000000000000088.

22 Fei Qi, Yuqi Wu and Qi Wang, 'Anti-Domestic Violence Law: The Fight for Women's Legal Rights in China' (2020) 26(3) *Asian Journal of Women's Studies* 383, doi:10.1080/12259276.2020.1798069.

Concept of Family and Gender Policy until 2030. While this study provides valuable insights into the legal frameworks and implementation gaps regarding VAW in Kazakhstan, it is important to acknowledge some limitations. The availability of documentation can potentially affect the comprehensiveness of the data collected.

## 4 FINDINGS AND DISCUSSION

The findings reveal significant advancements in Kazakhstan's legislative and policy frameworks to address VAW and promote family welfare. Adopting the Concept of Family and Gender Policy until 2030 on 6 December 2016,<sup>23</sup> demonstrates a long-term commitment to integrating gender considerations into national development strategies. Additionally, the Concept of Ensuring Public Safety for 2024-2028, adopted on 29 December 2023,<sup>24</sup> emphasises a collaborative approach between government entities and civil society, highlighting the importance of community engagement in enhancing public safety.

The enactment of the Law on the Prevention of Domestic Violence on 4 December 2009,<sup>25</sup> marks a critical milestone in providing legal protections for victims, reflecting a shift towards more robust mechanisms for addressing domestic abuse and VAW. These efforts show a thorough strategy for addressing VAW and highlight Kazakhstan's dedication to building a more secure and just society.

### 4.1. Key Legislative Frameworks

#### 4.1.1. Law on the Prevention of Domestic Violence (2009)

The Law of the Republic of Kazakhstan, "On the Prevention of Domestic Violence," establishes the legal, economic, social, and organisational foundations for preventing and combating VAW in Kazakhstan. It defines various forms of violence, including economic, sexual, psychological, and physical violence. The law incorporates clauses from international treaties that Kazakhstan has ratified and is based on the country's constitution. It also defines the competencies of various state bodies, including the government, local authorities and commissions on women's affairs, as well as healthcare bodies. The law provides a well-rounded framework addressing various forms of domestic violence, including physical, psychological, sexual, and economic abuse.

The law references international treaties that Kazakhstan has ratified, ensuring that the domestic legislation aligns with global human rights standards, including the Convention on the Elimination of All Forms of Discrimination Against Women. Moreover, the law

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23 Decree of the President of the Republic of Kazakhstan no 384 (n 6).

24 Resolution of the Government of the Republic of Kazakhstan no 1233 (n 7).

25 Law of the Republic of Kazakhstan no 214-IV ZRK (n 8).

stresses the importance of confidentiality and a personalised approach, guaranteeing victims' privacy and unique circumstances. Preventive measures such as protective orders and individualised prevention strategies have been prioritised, significantly shifting from a reactive stance to proactive measures. Early intervention is crucial to prevent the escalation of violence.<sup>26</sup>

The law stipulates the duties of various government entities, such as the Ministry of Internal Affairs, healthcare agencies, and local authorities. To develop a comprehensive response to VAW, it is crucial to have interagency cooperation.<sup>27</sup> The introduction of various preventive measures (Article 17) includes protective orders, administrative penalties, and mandatory medical treatments. Through a diverse range of options, authorities can tackle VAW from multiple angles and address different levels of abuse while also ensuring victim protection.

To prevent repeat offences, the law targets offender's behaviour through interventions such as counselling and protective orders. Article 20 establishes protective orders as a key measure for ensuring victim safety, taking direct action to prevent further harm by preventing the perpetrator from contacting or approaching the victim. The urgency to protect victims is increased by the requirement to enforce protective orders within 24 hours.

Additionally, the law specifies that preventive measures should be tailored to the specific circumstances of the perpetrator (Article 17, Clause 3), ensuring that the responses are proportionate and effective, thereby minimising the risk of excessive or ineffective punishment. Additionally, the law enforces administrative detention (Article 21) and imposes further behavioural restrictions on the perpetrator, such as limitations on communication and movement (Article 22). This approach guarantees a robust response to domestic violence while also providing avenues for legal and social rehabilitation.

A significant criticism of the law is the insufficient enforcement mechanisms. While the law sets out preventative measures, such as protective orders, there are concerns about their effectiveness and the capacity of law enforcement agencies to respond promptly. Instances of non-compliance or violation of protective orders may go unpunished, diminishing their deterrent effect. Nevertheless, some studies stress that when the victim and the offender live 25 miles or more apart, regardless of any in-person, phone, or online interactions, the likelihood of a protective order violation is almost zero.<sup>28</sup> The effectiveness of protective orders and victim protection tactics may, therefore, be improved by addressing the enforcement gap and using geographic distance as a mitigating factor.

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26 Maria M Raguz, 'Lessons Learned from Research, Prevention, and Intervention in Gender Violence' (2021) 49(4) *Journal of Prevention and Intervention in the Community* 311, doi: 10.1080/10852352.2019.1664714.

27 Jahan (n 16); Qazi Zada (n 15).

28 Lawrence L Bench, Terry Allen and Emily Douglas, 'Spatial and Temporal Distance Between the Victim and Offender as a Factor in Protective Order Violations: How Much Distance Is Enough?' (2022) 28(10) *Violence Against Women* 2359, doi:10.1177/10778012211032709.

VAW remains heavily stigmatised in Kazakhstan, resulting in substantial underreporting of incidents.<sup>29</sup> The law fails to adequately tackle the entrenched cultural norms and societal pressures that often inhibit victims, especially women, from speaking out. In traditional communities, concerns about family honour and social pressure can outweigh the legal protections provided, resulting in the silencing of victims.<sup>30</sup> Although the law is gender-neutral, women in Kazakhstan disproportionately experience domestic violence. The absence of a clear recognition of the gendered nature of domestic violence may restrict the law's effectiveness in confronting the systemic challenges women encounter. Implementing gender-sensitive legal frameworks is crucial to acknowledge and address these power dynamics.<sup>31</sup>

While the law addresses various forms of domestic violence, some definitions, especially those related to economic and psychological violence, are vague and subject to interpretation. This ambiguity can result in inconsistent enforcement and judicial rulings, thereby limiting the protection afforded to victims.<sup>32</sup> Although the law refers to special social services, the availability and quality of these services can vary significantly between regions. Rural areas, in particular, often lack adequate shelters, counselling, and legal aid for victims, which exacerbates the vulnerability of women in these communities.<sup>33</sup> The sanctions imposed on perpetrators, such as administrative detention, may not be sufficient as a deterrent. In many cases, incidents of domestic violence are classified as minor administrative offences rather than serious criminal acts, which diminishes the severity of the response. Furthermore, there is a lack of rehabilitation programs for perpetrators, which could help address the underlying causes of violence.<sup>34</sup>

One of the law's shortcomings is its lack of specificity regarding implementing preventive measures. For example, while Article 17 presents a wide array of individual prevention strategies, it fails to provide clear guidelines on when or how these measures should be prioritised or combined, leading to inconsistent application across different regions.

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29 Human Rights Watch (n 9).

30 Naila Sohrat Tasbiha and Arshia U Zaidi, 'The Psycho-Social Factors That Escalate Intimate Partner Violence (IPV) among South Asian Women in North America: An Intersectional Approach and Analysis' [2023] *Journal of Human Behavior in the Social Environment* 1, doi:10.1080/10911359.2023.2291436.

31 Maria Mousmouti, 'Gender-Sensitive Law-Making: Concept and Process' (2022) 10(3) *Theory and Practice of Legislation* 223, doi:10.1080/20508840.2022.2125704.

32 Sheetal Ranjan, 'Domestic Violence Legislation in Greece: Analysis of Penal Mediation' (2020) 30(1) *Women and Criminal Justice* 42, doi:10.1080/08974454.2019.1646192.

33 Linda Murray and others, 'Between "Here" and "There": Family Violence against Immigrant and Refugee Women in Urban and Rural Southern Australia' (2019) 26(1) *Gender, Place and Culture* 21, doi:10.1080/0966369X.2018.1553862.

34 Jessica Bouchard and Jennifer S Wong, 'Disparate Approaches to Intimate Partner Violence Intervention: A Preliminary Investigation of Participant Outcomes across Two Community-Based Programs' (2021) 42(11) *Deviant Behavior* 1396, doi.org/10.1080/01639625.2020.1750569; Gokdemir and others (n 3).



Although the law establishes procedures for victim protection, it lacks comprehensive support measures, such as psychological counselling or legal aid, which are vital for victims' long-term recovery. The law would benefit from adopting a stronger victim-centred approach that emphasises not only prevention but also healing and support.

The involvement of multiple agencies in administering individual preventive measures (Article 17, Clause 3-1) presents another challenge, as it can result in bureaucratic delays that may jeopardise victims' safety. Streamlining processes and enhancing inter-agency coordination would ensure faster and more efficient responses to reported incidents. Furthermore, while the law focuses on preventive measures for perpetrators, it does not include sufficient provisions to support victims, such as housing, financial assistance, or long-term social services. This gap may hinder victims from escaping abusive situations due to their economic dependence on the perpetrator.

Additionally, the penalties stipulated by the law, such as administrative fines or restrictions on contact, may not provide adequate deterrence for repeat offenders. The lack of severe criminal penalties for domestic violence offences could undermine the law's effectiveness in preventing future abuse. Although Article 25 mandates confidentiality for victims' personal information, which is essential for protecting their privacy, it does not specify clear mechanisms for enforcement or penalties for breaches of confidentiality, leaving victims exposed to further risks.

Cultural factors also hinder the law's implementation. Traditional gender roles and patriarchal structures in Kazakh society often prioritise family privacy over individual safety, perpetuating domestic violence. The law fails to adequately address these social norms, significantly impacting enforcement. This mirrors challenges highlighted by Qazi Zada in Afghanistan, where traditional cultural norms contribute to ongoing violence and discrimination against women.<sup>35</sup>

Moreover, the law's effectiveness is further limited by a general lack of public awareness regarding VAW and victims' rights. While comprehensive educational campaigns are vital for shifting public attitudes toward domestic violence, the law does not sufficiently mandate outreach efforts.<sup>36</sup> Most importantly, the judiciary's interpretation and enforcement are the most crucial factors in whether the law succeeds. The present framework currently lacks the emphasis on continuous training for law enforcement and judicial authorities, which is crucial for effective implementation.<sup>37</sup>

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35 Qazi Zada (n 15).

36 Juliette N Anderson, 'Effects of Education on Victims of Domestic Violence' (Walden Dissertations and Doctoral Studies, Walden University 2015) 345 <<https://scholarworks.waldenu.edu/dissertations/345>> accessed 5 October 2024.

37 Kai Lin and others, 'Chinese Police Officers' Attitudes toward Domestic Violence Interventions: Do Training and Knowledge of the Anti-Domestic Violence Law Matter?' (2021) 31(7) *Policing and Society* 8786 doi:10.1080/10439463.2020.1797027.

To eradicate VAW and fortify Kazakhstan's legal system, the legislation should impose more severe penalties for violating protective orders and guarantee that law enforcement organisations have the tools and training they need to handle domestic abuse cases in a timely and efficient manner. Moreover, acknowledging the gendered nature of domestic violence could help develop more focused interventions that address the unique needs of women and girls, who are the primary victims.<sup>38</sup> Policy decisions could be informed by the collection and utilisation of gender-disaggregated data. Moreover, the government should mandate awareness campaigns that aim to educate the public on domestic violence, victims' rights, and available legal resources. These campaigns should focus particularly on rural and conservative areas, where awareness is often limited. Furthermore, the law could benefit from providing clearer guidance on enforcing protective orders and preventive measures, including specifying timelines for implementation and outlining consequences for delays.

Overall, the Law "On the Prevention of Domestic Violence" offers a strong framework for addressing VAW. However, its effectiveness is hindered by enforcement challenges, cultural norms, and a lack of clarity in implementation. Reforms should place a high priority on bolstering enforcement mechanisms, raising public awareness, specifically addressing gender-based violence, and improving victim support services.<sup>39</sup> Addressing these gaps could improve the law's effectiveness in combating VAW in Kazakhstan.

#### 4.1.2. Concept of Family and Gender Policy until 2030

Another significant policy document, the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030 (the Concept), seeks to address domestic and gender-based violence by using a strategic framework to advance gender equality and improve family dynamics. The Concept stresses that 26.5% of Kazakhstan's population has witnessed cases of domestic violence, and 32.4% believe the situation has deteriorated over the past five years. According to the Concept, domestic violence is caused by internal factors, such as alcoholism, drug abuse, and mental illnesses, and external factors, such as low income, unemployment, and lack of education. Furthermore, the Concept indicates that individuals in rural areas are more hesitant to acknowledge domestic violence as a problem (11.6%) than their urban counterparts (4%). This emphasises the significance of awareness campaigns and interventions in rural areas to address the lack of knowledge and potential underreporting of domestic violence. Several studies found that in rural areas, addressing

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38 Mary Ellsberg and others, 'Prevention of Violence against Women and Girls: What Does the Evidence Say?' (2015) 385 *Lancet* 1555, doi:10.1016/S0140-6736(14)61703-7.

39 Cyndirela Chadambuka and Ajwang' Warria, 'Examining Support Systems Available for Victims of Intimate Partner Violence in Rural Areas in Zimbabwe' (2020) 32(5) *Practice* 381, doi:10.1080/09503153.2020.1750579; Carina Gallo and Kerstin Svensson, 'An Influential Child of Its Time: Victim Support Sweden and the Changing Discourse on Violence against Women' (2021) 22(1) *Nordic Journal of Criminology* 90, doi:10.1080/2578983X.2021.1898754.

the lack of knowledge about support systems and reducing underreporting of domestic violence requires awareness campaigns and community-based interventions, such as informal support networks and women's advocacy groups.<sup>40</sup>

The Concept appropriately identifies unemployment (55.9%) and harmful behaviours such as alcoholism and drug addiction (52.8%) as significant contributors to domestic violence. However, it neglects to address deeper cultural and systemic issues, such as patriarchal attitudes, that perpetuate gender-based violence. Effectively tackling gender inequality at its root requires challenging cultural norms that reinforce male dominance and female subordination within families.<sup>41</sup>

While the Concept prioritises victim assistance, it lacks effective measures to deal with perpetrator behaviour. Economic considerations are important, but more focus should be placed on rehabilitating violent offenders, enforcing harsher laws, and encouraging non-violent masculinity. This can entail making counselling and anger management courses mandatory. According to the survey results, 15.1% of respondents view the lack of criminal responsibility for domestic violence as a major concern. Yet, the document does not suggest any specific legislative reforms to address this gap.

Although the Concept acknowledges gender stereotypes as a contributing factor (22.7%), it fails to propose specific educational or media campaigns to change public perceptions. Comprehensive public education initiatives, starting in schools, are essential to challenge harmful norms and promote gender equality. Such efforts are necessary to address deeply rooted gender stereotypes.<sup>42</sup>

Despite its ambitious goals, the Concept lacks detailed timelines, accountability mechanisms, and specific resource allocations, making it difficult to implement. Without precise standards and frequent reviews, the strategy risks remaining aspirational rather than practical. Transparency should be increased through external assessments by impartial parties, including non-governmental organisations, and regular public reporting on project progress.

The policy would also benefit from incorporating global best practices for combating gender-based violence. For instance, adopting a human rights-based approach, similar to the Istanbul Convention, could promote a more victim-centred and comprehensive strategy. Although economic dependence is identified as a contributing factor to domestic violence (15.8%), there is limited discussion on empowering women economically to escape abusive situations. Prioritising initiatives that enhance women's access to

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40 Kethineni, Srinivasan and Kakar (n 1); Chadambuka and Warria (n 39).

41 Rebecca Helman and Kopano Ratele, 'Everyday (in)Equality at Home: Complex Constructions of Gender in South African Families' (2016) 9(1) *Global Health Action* 31122, doi:10.3402/gha.v9.31122.

42 Endah Ratnawaty Chotim, 'Implementation of Gender Equality in Schools' (2022) 4(2) *International Journal of Science and Society (IJSOC)* 399, doi:10.54783/ijssoc.v4i2.454.

education, job training, and financial independence, as economic empowerment can dramatically lower gender-based violence.<sup>43</sup>

In summary, the Concept demonstrates strengths in its emphasis on interagency cooperation and improving data collection. However, its effectiveness may be limited without strong legal mechanisms and proactive educational campaigns. To succeed, the policy requires a more comprehensive approach that includes legislative reforms, rehabilitation for perpetrators, challenging societal norms, and ensuring accountability.

#### 4.1.3. Law on Amendments and Additions to Certain Legislative Acts (2024)

The Law "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Ensuring the Rights of Women and the Safety of Children"<sup>44</sup> adopted on 15 April 2024, has significantly enhanced the legal framework concerning family policy, women's rights, and child protection in Kazakhstan. Among its notable contributions is the introduction of key definitions, including the "authorised body in the field of state family policy" and the "contact centre '111'" for family-related issues. By officially recognising these entities, the law establishes a clearer framework for handling family legal matters, potentially enhancing coordination among different government agencies. Furthermore, the establishment of family support centres reflects a proactive approach to dealing with social issues. These centres are tasked with implementing state family policy measures, coordinating assistance for families in challenging situations, and offering legal and psychological support.

The law emphasises the protection and promotion of traditional family values, as well as the moral upbringing of children. Although this emphasis may resonate with certain parts of society, it risks excluding non-traditional family structures and marginalising groups such as single-parent families or those who do not conform to traditional norms. Another significant provision is represented by the inclusion of temporary accommodation for individuals experiencing domestic violence. Furthermore, the law's requirement to monitor and analyse trends in family policy ensures the adaptability of measures over time.

Significant amendments to the Criminal Code are also included, particularly regarding violence against minors. The law aims to enhance the protection of vulnerable

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43 Suelen Cipriano Milhomem Dantas and others, 'Proposal to Combat Violence against Women from Women's Social and Financial Emancipation' (2022) 9(5) *International Journal of Advanced Engineering Research and Science (IJAERS)* 157, doi:10.22161/ijaers.95.14; Isabel Eggers del Campo and Janina Isabel Steinert, 'The Effect of Female Economic Empowerment Interventions on the Risk of Intimate Partner Violence: A Systematic Review and Meta-Analysis' (2022) 23 (3) *Trauma, Violence, & Abuse* 810, doi:10.1177/15248380209760

44 Law of the Republic of Kazakhstan no 72-VIII ZRK of 15 April 2024 'On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Ensuring the Rights of Women and the Safety of Children' <<https://adilet.zan.kz/kaz/docs/Z2400000072>> accessed 5 October 2024.

populations by defining specific crimes related to child violence and imposing stricter penalties. However, proper implementation and enforcement are crucial for the effectiveness of these measures. A progressive approach to rehabilitation and prevention is reflected in the introduction of special behavioural requirements for those convicted of crimes against minors, such as mandatory counselling and restrictions on contact with victims. To achieve their intended impact, the law must ensure that these measures are effectively enforced and monitored. Updated definitions of offences related to suicide and assault are vital for addressing contemporary social issues, while differentiated penalties for crimes against minors indicate a heightened sensitivity to the needs of society's most vulnerable members.

Despite its strengths, the law's effectiveness will rely heavily on substantial resources, training, and commitment from local authorities. The effectiveness of the family support centres and the contact centre '111' depends on their operational preparedness and inter-agency collaboration. Moreover, the emphasis on traditional family values could unintentionally overlook the needs of various family structures. Policies must remain flexible and inclusive to guarantee that rights are protected for all children and women, regardless of their family circumstances.

Continuous monitoring and evaluation mechanisms are necessary to assess the effectiveness of newly implemented policies. Such mechanisms will help identify challenges and enable timely adjustments to the legal framework.

To sum up, while this study highlights notable progress in Kazakhstan's legislative and policy measures to combat violence against women, the success of these initiatives ultimately depends on effective implementation.

## 4.2. Access to Justice for Victims of Violence Against Women in Kazakhstan

Effective addressing VAW requires access to justice, ensuring survivors receive the protection and remedies they need.<sup>45</sup> Over the past decade, Kazakhstan has made significant progress in enhancing its legal and institutional frameworks to combat VAW. In 2023, a total of 60,852 administrative cases related to domestic violence were reviewed in Kazakhstan, of which 58,311 were handled by the courts and 2,541 by authorised bodies.<sup>46</sup>

Domestic violence cases have a new investigative approach to administrative procedures introduced by the Administrative Offences Code of the Republic of Kazakhstan

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45 Graeme Blair and Nirvikar Jassal, 'Accessing Justice for Survivors of Violence against Women' (2022) 377(6602) *Science* 150, doi:10.1126/science.abp9.

46 Human Rights Commissioner in the Republic of Kazakhstan, *About Combating Family and Domestic Violence: Special report* (National Center for Human Rights 2024) <<https://www.gov.kz/memleket/entities/ombudsman/documents/details/619960?lang=en>> accessed 5 October 2024.

on 1 July 2023. Furthermore, the possibility of reconciliation between the parties has been eliminated; only one reconciliation is allowed during the judicial proceeding stage, which minimises the harmful practice of psychological pressure on victims.<sup>47</sup>

Despite these efforts, the practical realisation of justice for victims remains a challenge. Human Rights Watch notes that while the Law on Prevention of Domestic Violence has been implemented in Kazakhstan, there are still significant gaps that prevent women from effectively protecting themselves from VAW.<sup>48</sup> The lack of access to specialised social services and inadequate implementation of existing laws hinder access to justice for survivors. Many women are unable to seek help or legal recourse because of their financial dependence on their abusers, leading to their continued involvement in abusive relationships.

The establishment of specialised police units and crisis centres marks a crucial step forward. These units provide victims with immediate support and guidance through legal procedures, assist in filing complaints, obtain protective orders, and navigate the judicial system. In all regions of Kazakhstan, the government has organised shelters for domestic violence victims, with 39 out of 49 crisis centres offering shelter amenities.<sup>49</sup>

Despite these developments, numerous victims are still confronted with systemic barriers, which include limited awareness of their rights and fear of retaliation. Additionally, rural areas often lack the necessary resources, such as trained personnel and shelters, making it harder for victims to seek justice.<sup>50</sup>

To sum up, Kazakhstan has made significant advances in enhancing its legal and institutional frameworks to combat VAW, including amending the legislation and creating support services, but substantial challenges remain. Persistent gaps in the legal framework, ineffective implementation, and inadequate access to justice hinder the protection of victims. Addressing systemic barriers—such as financial dependence, lack of specialised resources, and disparities between urban and rural areas—is crucial to ensuring that survivors can fully access justice.

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47 *ibid.*

48 'Kazakhstan: Little Help for Domestic Violence Survivors Ensure Protection, Access to Justice, Needed Services' (*Human Rights Watch*, 17 October 2019) <<https://www.hrw.org/news/2019/10/17/kazakhstan-little-help-domestic-violence-survivors>> accessed 5 October 2024.

49 Bureau of Democracy, Human Rights, and Labor, '2022 Country Reports on Human Rights Practices: Kazakhstan' (*US Department of State*, 20 March 2023) <<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kazakhstan/>> accessed 5 October 2024.

50 *ibid.*; Human Rights Watch (n 9).

## 5 CONCLUSION

In conclusion, Kazakhstan has achieved significant progress in establishing a legal framework to combat VAW, indicating a strong commitment to tackling this critical issue. Implementing the Law on the Prevention of Domestic Violence and policy documents such as the Concept of Family and Gender Policy until 2030 demonstrates the nation's commitment to establishing gender-sensitive policies and adopting a more comprehensive strategy to eliminate VAW. These legislative and regulatory initiatives are crucial steps in tackling the sociocultural and structural causes of VAW.

Nevertheless, to make meaningful progress against VAW, Kazakhstan must strengthen the implementation of existing legislation, increase funding for support services, and launch public awareness programs. The effectiveness of these measures depends on several interrelated factors, as highlighted by the findings of this study.

First, improving the enforcement mechanisms of existing laws is essential. This requires training law enforcement officials, judiciary representatives, and social workers to handle VAW cases with sensitivity and efficiency. Second, the protection and recovery of survivors must be prioritised by ensuring sufficient funding and resources for support services, such as shelters, counselling centres, and rehabilitation programs. Finally, public awareness campaigns are critical in educating communities on women's rights and dignity, challenging patriarchal attitudes, and promoting equality. These findings underscore the need for coordinated action by policymakers, law enforcement and civil society to ensure that existing legal protections translate into tangible improvements.

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**Competing interests:** No competing interests were disclosed.

**Disclaimer:** The authors declare that their opinion and views expressed in this manuscript are free of any impact of any organizations.

## ABOUT THIS ARTICLE

### **Cite this article**

Turarbekova A, Mytalyapova A, Sabitov S, Kala N, Balmagambetova V and Altynbassov B, 'Legal Frameworks for Combating Violence Against Women in Kazakhstan: Analyzing Effectiveness and Implementation Gaps' (2025) 8(1) Access to Justice in Eastern Europe 264-84 <<https://doi.org/10.33327/AJEE-18-8.1-a000119>>

**DOI** <https://doi.org/10.33327/AJEE-18-8.1-a000119>

**Managing editor** – Mag. Bohdana Zahrebelna. **English Editor** – Julie Bold.

**Summary:** 1. Introduction. – 2. Literature Review. – 3. Methods. – 4. Findings and Discussion. – 4.1. *Key Legislative Frameworks*. – 4.1.1. *Law on the Prevention of Domestic Violence (2009)*. – 4.1.2. *Concept of Family and Gender Policy Until 2030*. – 4.1.3. *Law on Amendments and Additions to Certain Legislative Acts (2024)*. – 4.2. *Access to Justice for Victims of Violence against Women in Kazakhstan* – 5. Conclusion.

**Keywords:** *violence against women, legal frameworks, legislation, gender equality, Kazakhstan.*

## DETAILS FOR PUBLICATION

Date of submission: 08 Oct 2024

Date of acceptance: 19 Jan 2024

Date of publication: 15 Feb 2025

Whether the manuscript was fast tracked? - No

Number of reviewer report submitted in first round: 2 reports

Number of revision rounds: 1 round with minor revisions

### Technical tools were used in the editorial process:

Plagiarism checks - Turnitin from iThenticate <https://www.turnitin.com/products/ithenticate/>

Scholastica for Peer Review <https://scholasticahq.com/law-reviews>

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## АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

### ЗАКОНОДАВЧІ ОСНОВИ БОРЬБИ З НАСИЛЬСТВОМ ЩОДО ЖІНОК У КАЗАХСТАНІ: АНАЛІЗ ЕФЕКТИВНОСТІ ТА ПРОГАЛИНИ В РЕАЛІЗАЦІЇ

**Акмарал Турарбекова, Айман Митальяпова, Серік Сабітов, Нагіма Кала,  
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#### АНОТАЦІЯ

**Вступ.** Законодавчі основи, що стосуються насильства щодо жінок (VAW) у Казахстані, зазнали значних змін за останні роки, що відображає зріст визнання важливості комплексних підходів до вирішення цієї поширеної проблеми. Незважаючи на те, що була створена нормативно-правова база для захисту жертв і запобігання насильству, залишаються проблеми з її впровадженням та ефективністю. Це дослідження спрямоване на аналіз законодавства про насильство щодо жінок у Казахстані, вивчення його сильних і слабких сторін, а також його впливу на захист жертв і ширший соціальний контекст.

**Методи.** У статті використовується метод аналізу для дослідження ключових законодавчих та політичних документів, зокрема закону «Про профілактику побутового насильства» та Концепції сімейної та гендерної політики до 2030 року. Темі, що повторюються, законодавчі прогалини та перешкоди в їх реалізації були виявлені за допомогою системного контент-аналізу.

**Результати та висновки.** Результати показують, що, хоча правові інструменти в Казахстані забезпечують необхідний захист постраждалих, все ще існують значні проблеми пов'язані з непослідовним правозастосуванням, обмеженим доступом до служб підтримки та глибоко вкоріненим культурним ставленням до насильства щодо жінок. Доступ до правосуддя для жінок, постраждалих від насильства, залишається ключовою проблемою в Казахстані через значні прогалини в правовому захисті та ресурсах, особливо в сільській місцевості, які перешкоджають ефективному здійсненню правосуддя. Аналіз підкреслює необхідність підходу, який більш орієнтований на жертву та спрямований на усунення причин насильства щодо жінок, і підтверджує, що обізнаність і освіта громадськості мають значний вплив на зміну сприйняття проблеми в суспільстві. У дослідженні було зроблено висновок, що, незважаючи на позитивні зміни в законодавстві, застосування законів проти насильства щодо жінок у Казахстані потерпає від неналежних механізмів реалізації та підтримки. Таким чином, існує нагальна потреба у посиленні правозастосування, фінансуванні служб підтримки і прихильності до культурних перетворень. Вирішивши ці проблеми, Казахстан може створити більш безпечне середовище.

**Ключові слова:** насильство щодо жінок, законодавчі основи, законодавство, гендерна рівність, Казахстан.