

**SUBMISSION BY THE REPUBLIC OF KAZAKHSTAN FOR THE REPORT
OF THE SECRETARY-GENERAL TO THE SEVENTY FIFTH SESSION OF
THE GENERAL ASSEMBLY ON IMPLEMENTING UNGA RESOLUTIONS
A/RES/73/148 AND A/RES/73/146**

Introduction

The Government of Kazakhstan of the Republic of Kazakhstan has always stood for progressive measure to protect and advance the human rights and dignity of women and girls nationally, regionally and internationally, and has been actively engaged in global UN processes to fight all forms of discrimination against them. Adopting a whole-of-government approach with a three-fold strategy of investments in development, enhanced regional cooperation and the UN “delivering as one”, the country has demonstrated internationally acknowledged progress on the advancement of women. This in turn has contributed towards a peaceful and stable Kazakh society.

The country has been all the more vigilant in implementing key legally binding instruments in the political, economic, cultural and social life of the country, and particularly, the above mentioned two resolutions during the pandemic, which has taken a great toll on women. We are pleased to inform that women from all levels and walks of life have been engaged throughout our nationhood in drafting policy directives and programmes that impact their lives. Presently, women are standing as front-line workers in the delivery various services to the community.

This submission highlights the inter-ministerial and inter-disciplinary measures undertaken by the Government, with their impact, positive outcomes achieved. It also underscores s monitoring and evaluation procedures utilized with the full participation of women and other stakeholders. We are in the constant process of overcoming gaps and providing a model for others,

Measures to implement UNGA resolution A/RES/73/148 to prevent and eradicate all forms of violence against women and girls

Combating violence is one of the priority tasks of our national policy, and is based on the firm conviction that it is from violence in the home that other forms of aggression against women stem, and take deep root in society.

Kazakhstan's aim of creating an atmosphere of "zero tolerance" in society for offenses against women and children guides all its efforts to fulfill its commitment to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which it joined on 28 June 1998. In 2001, the country ratified the Optional Protocol to CEDAW which was one of the important steps bringing the national legislation of the Republic of Kazakhstan in line with international standards, including in the field of domestic violence.

Since then, the country has been consistently and resolutely taken steps to implement the mandatory provisions of the Convention in good faith, which are intended to eliminate gender inequality and discrimination against women, which is essentially manifested in violence against women.

President Kassym-Jomart Tokayev, in his address to the people of Kazakhstan in September 2019, directed the nation to create a holistic programme, especially, for the protection of children and their families affected by violence.

Therefore, in pursuance of the President's vision, **the Law on Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Improving Criminal and Criminal Procedure Legislation and Strengthening the Protection of Personal Rights** has been developed. The enforcement of this legislation made it imperative to considerably tighten the **criminal liability for violence against children and sexual violence, and these stricter procedures are being constantly evaluated.**

In this regard, the National Commission for Women's Affairs and Family Demographic Policy (*hereafter referred to as the National Commission*), the key state entity that oversees all measures related to the Convention and other legally binding instruments, operates under the patronage and oversight of the President of the Republic of Kazakhstan, together with the members of Parliament. The Commission has **developed two draft laws on combating domestic violence**, which contain a set of effective proactive steps to expand the areas of responsibility and scope of prevention. The proposed legislation will aim to regulate procedures more effectively, and also encompass coordinating the work of organizations providing social services to victims of violence.

While the National Commission was being established, several interactive platforms of women at all levels were simultaneously organized to guarantee the participation of NGOs and human rights defenders. The various proposals are currently being considered, **such as strengthening the responsibility and accountability for domestic violence during the isolation imposed due to the pandemic**. This current crisis, therefore, has necessitated the establishment of crisis centres across the country, which serve as focal points for emergency, medium and long term services. These proposed actions are presently under review by a working group set by the Parliament.

Hence, the adoption of the draft laws will further contribute to the creation of a holistic programme to protect women and children from violence, thus contributing to the effective implementation of **the UN General Assembly resolution A/RES/73/148 on preventing and eliminating all forms of violence against women and girls**.

Through these interventions introduced by Kazakhstan, it is clear that it fully endorses the call by United Nations Secretary-General António Guterres for all

countries to take urgent measures to counter the domestic violence that has broken out during this phase of lockdown and isolation.

The National Commission and UNFPA have jointly designed and disseminated a step-by-step instructional blueprint for women-focused social networks and the community at-large on how to address the issues of women who have experienced violence. In fact, the very enthusiastic public response to this issue has greatly encouraged social media initiatives for conducting information and awareness-raising, as well as, humanitarian campaigns on behalf of women. This extensive and far reaching outreach has been undertaken by governmental, as well as non-governmental organizations, supported by civil society activists. Work in this direction has been redoubled and continues with full vigour lead by women themselves.

Furthermore, to provide assistance to victims of domestic violence throughout the country, the Ministry of Information and Social Development is implementing this year the project which consists of a set of measures to improve the activities of crisis centers for victims of domestic violence and work with aggressors. The main goal of the project is to improve mechanisms for the prevention of domestic violence in Kazakhstan. Simultaneously, it is planned to work through comprehensive services comprising of hotlines and other forms of counselling, with aggressors who have committed offences.

Also, as part of implementing the grant project titled, **“A Set of Measures to Strengthen Family Values among Young People”**, work has begun on activities to strengthen the institution of the family and its values among young people; raising awareness among youth on the issues of building marriage and family relations. It will also aim to make the younger generation of aware of the psychological and emotional characteristics of family life and family role. At the same time, imparting skills training to resolve family conflicts. In general, comprehensive programmes

are have been devised t by relevant state bodies and non-governmental organizations towards this end

The Ministry of Justice of the Republic of Kazakhstan, in accordance with the Law on Amendments and Additions to Curtain Legislative Acts of the Republic of Kazakhstan on the Improvement of the Criminal Law, Criminal Procedure Law and Enhancing the Protection of Personal Rights of 27 December 27 2019, has made changes to the Code of Administrative Offences (*hereinafter - the CoAO*).

In particular, the responsibility for committing an offense under Article 73 of the CoAO (*Unlawful Actions in the Field of Family and Domestic Relations*), namely, part 1-1 of the article, has been supplemented by a sanction that provides for punishment in the form of a warning or administrative arrest for up to five days. Culpability and accountability are strengthened in comparison with the previous version of the above-mentioned article.

For the commission by an offender of intentional infliction of even slight harm to the health of a person in a family-domestic conflict situation, (according to part 1-1 of Article 73-1 of the CoAO), the offender faces a warning or administrative arrest for upto to fifteen days.

In turn, amendments have also been made to Article 73-2 of the CoAO (*Beatings*), and the sanction of part 1-1 of the article, now provides for punishment in the form of a warning or administrative arrest for up to ten days.

Thus, there are special requirements for a period of three months to one year when considering a case of an administrative offense by a court on its own initiative or at the request of the police authorities or other participants in the proceedings in an administrative offense,

According to the statistics of the Committee on Legal Statistics and Special Records of the General Prosecutor's Office, in the period from 16 March to 5 May 2020, which is when the quarantine regime was declared in the country.

Approximately, 145 crimes of a violent nature were registered against women, and 42 of them, were against minors.

For reference: Article 120 of the Criminal Code “Rape” reports 16 cases, of which 27 are related to minors; Article 121 of the Criminal Code “Violent acts of a sexual nature” indicate 27 incidences, 13 of which involve minors; Article 123 of the Criminal Code “Compulsion to sexual intercourse, sodomy, lesbianism or other acts of a sexual nature” – has two cases regarding minors.

As a consequence, four criminal cases were referred for jurisdiction by the court, of which one of them ended with an investigation and was sent to the prosecutor for further trial. Pre-trial investigations are ongoing for the remaining 140 cases.

In addition, the Ministry of Internal Affairs (*hereinafter referred to as the MIA*), together with the local executive bodies, has taken certain preventive measures for the timely detection of domestic violence. Since the introduction of quarantine in the country, more than 15,000 complaints, regarding violations of the law on family-domestic relations, have been registered with the various bodies of MIA. As a response to these appeals, more than 200 and 4,700 persons were prosecuted, and were brought to bear criminal and administrative liability respectively.

Furthermore, over and above the police measures introduced to enforce law and order in the streets and public places, special attention is paid to the timely detection and suppression of domestic violence. Thus, in special conditions, the MIA is authorized to apply new methods of preventive control.

Under the circumstances of the pandemic, the widespread prevalence of mobile communication has become a necessity. Those, who are accountable and prone to committing offenses, are checked remotely, and through video calls from social messengers.

This technology has made possible the monitoring of perpetrators without having to personally visit them and, also to visually observe the situation in the house. It has also facilitated the assessment of circumstances through conversation and interviews, and receive answers to the necessary questions.

Another interesting feature is the creation of a special algorithm to identify victims of violence, who are unable to contact the police in a timely manner. Likewise, potential victims and owners of grocery stores, vendors and pharmacies are warned about the code phrase, the pronunciation of which (including by phone) signals the incidence of domestic violence and the need to inform the police immediately. In addition, measures are being taken to ensure conditions for the temporary isolation of victims of family aggression.

Thus, in all regions of the country, 40 crisis centres (with accommodation for 600 persons) have been set up under the auspices of the *akimats* (local government and community offices) and non-governmental organizations have been set up to offer psychological, social, legal and other necessary assistance to victims of domestic violence. Thus far, over 230 people have been referred to these centres, which are staffed by well qualified women.

For the same purpose, the *akimats* have provided shelters to support the victims of violence during the quarantine period in all regions of the community. This assistance is further reinforced by public bodies to prevent domestic violence at the local neighbourhood levels.

Since 10 April 2020, Territorial Police Units have been active in conducting flash mob operations titled, “*Quarantine without Violence*”, organized by the Public Foundation “Rodnik”. These efforts will continue till the end of the quarantine period. As part of this extensive far-reaching operation, the population is informed about the availability of these crisis centres, where the victims may receive protection and timely appropriate assistance.