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## Some issues of improving the statistical accounting of domestic violence in the Republic of Kazakhstan

The article is devoted to the analysis of quantitative and qualitative indicators of domestic violence, highlighted in the official statistics of the Republic of Kazakhstan. Today, our country uses the maximum possible arsenal of means to solve the problem of domestic violence, demonstrates its readiness to identify its causes and neutralize them. The authors used historical and statistical methods of cognition of legal reality, considered the normative provisions of the Kazakh legislation, which forms the legal basis for the prevention of this negative phenomenon. An objective assessment is given of the development of the system of assistance to victims of violence, improvement of information and statistical accounting of domestic violence. Discrepancies were identified and specific comments were made (in particular, on units of measurement, data sources, and the reporting period) when posting statistical information in open sources in accordance with the Methodology for forming a system of basic and additional indicators of gender statistics. To determine the real state of domestic violence, the authors recommend conducting a specific sociological study, and using official data, the results of expert surveys, as well as victims of domestic violence as an empirical database. The article argues for a change in the form of statistical reporting, which includes a list of criminal offenses committed in the family and household sphere, rather than their definition, which is a consolidation of the totality of their signs. The necessity of conducting analytical studies of domestic violence on a regular basis is substantiated.

*Keywords:* domestic violence, gender statistics, victimological statistics, statistical report, basic and additional indicators, prevention.

### Introduction

In accordance with the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030, the target indicator is a decrease in the reported facts of domestic violence against women and children. Despite the measures taken, domestic violence “takes place in all countries of the world”, and remains “one of the key issues in the field of human rights protection” [1; 152].

Kazakhstan has made some progress in countering domestic violence, both at the legislative level and at the level of practical activity.

The prevention of criminal offenses in the sphere of everyday life is carried out by specialized units for combating violence against women, as well as by State bodies, organizations and public associations. The

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priority areas of activity of the internal affairs bodies are a combination of general and individual prevention with administrative and legal measures of influence, identification of persons from whom one can expect to commit offenses, correction of their antisocial behavior.

#### *Materials and methods*

The article uses general scientific methods (analysis, synthesis, induction, deduction) and private scientific methods (historical-legal, comparative-legal, statistical), with the help of which quantitative and qualitative indicators of domestic violence are analyzed, discrepancies between the Methodology of forming a system of indicators of gender statistics and statistical information posted in the public domain are revealed. The research examined scientific articles, national legislation, official statistics, as well as materials of law enforcement and preventive activities.

#### *Results*

The regulatory framework unites a system of legal acts that differ according to the legal force, level, volume of regulated relations, and the degree of regulation of issues of prevention of domestic violence. The sources of preventive regulation of this negative phenomenon are the Constitution of the Republic of Kazakhstan, criminal, criminal procedure, penal enforcement, legislation on administrative offenses, the laws of the Republic of Kazakhstan “On the Prevention of offenses” (2010), “On the prevention of domestic violence” (2009), “On State guarantees of equal rights and equal opportunities for men and women” (2009), etc.

The State policy on combating domestic violence is reflected in the country's policy documents: the Concept of State Policy for the Advancement of Women in the Republic of Kazakhstan (1997), the National Action Plan for the Advancement of Women (1997), the Concept of Moral and Sexual Education in the Republic of Kazakhstan (2001), the Strategy of Gender Equality in the Republic of Kazakhstan for 2006–2016, Concepts of family and gender policy in the Republic of Kazakhstan until 2030.

The implementation of the long-term strategy is aimed at continuing work on the development of the system of assistance to victims of violence, improving the system of information and statistical accounting of domestic violence.

The first measures to introduce statistical indicators characterizing violence against women were implemented in 2007, as part of a joint project with the UN Economic Commission for Europe and the World Bank to increase the gender sensitivity of the statistical system.

In the special law of the Republic of Kazakhstan “On the prevention of domestic violence” dated December 4, 2009, the legislative definition of “domestic violence” was fixed. However, neither regulatory legal acts nor statistical reporting forms have defined a list of offenses related to domestic violence.

It is noteworthy that, since 2009, the statistical collection “Women and Men of Kazakhstan” has been formed and published. The official website of the Bureau of National Statistics contains collections for individual years (1999, 2000, 2002, 2007), and periods (two collections cover 2001–2008 and 2001–2009, and then five-year periods from 2006–2010 to 2017–2021) [2].

A separate module “Domestic violence” was highlighted in the 2010-2011 study Multi-indicator cluster survey.

#### *Discussion*

By Order No. 219 of the Acting Chairman of the Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan dated December 21, 2015, the methodology for the formation of a system of indicators of gender statistics (hereinafter referred to as the Methodology) was approved. The National System of Gender Statistics indicators include ten sections and seventy-two indicators.

A separate section “Gender statistics” has been allocated on the official website of the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan [3]. At the same time, there are some discrepancies between the system of indicators highlighted in the Methodology and posted on the website of the Bureau of National Statistics (Table).

The system of indicators of gender statistics

Sections / indicators	Of the methodology for the formation of the system of indicators of gender statistics	Of the National Statistics Bureau	
		Basic indicators	Additional indicators
Overcoming poverty	4	4	4
Combining professional and family responsibilities	4	4	4
Health protection	17	17	8
The rights of women and girls	8	8	6
Environmental protection	2	2	-
<i>Small and medium-sized enterprises</i>		6	1
Decent employment	11	11	4
Education	9	9	3
Public life and participation in decision-making	13	13	-
Social protection	4	4	2
Access to ICT	2	2	-
<i>Gender Equality Index</i>		1	-

First of all, attention is drawn to the non-compliance with the sequence of placement of indicators according to the Methodology. In addition, the list of gender statistics sections has been expanded on the website of the Bureau of National Statistics by highlighting the sections “Small and medium-sized enterprises”, “Gender Equality Index”. The division of indicators into two groups “Basic indicators” and “Additional indicators” is also not provided for by the Methodology, however, it seems appropriate to us, since it allows us to obtain more complete information about the state of protection of the rights of women and girls.

A detailed study of the indicators of gender statistics posted in the public domain shows the following.

According to the basic indicator “The proportion of women who have been physically or sexually assaulted in the last 12 months by a person who is not their intimate partner”:

- neither the reporting period, nor the date of publication of data, nor data sources are indicated, which does not allow us to determine for which “... the last 12 months” data are presented, and which data were used – the Ministry of Internal Affairs of the Republic of Kazakhstan or specialized sample surveys on domestic violence;

- the posted data differ by age groups “18–75 years old”, “18–49 years old” and “15–49 years old”, however, the Methodology specifies the group “15–49 years old”;

- data on “any sexual violence”, “rape” and “attempted rape or other sexual violence” are separately highlighted, however, such a classification of types of sexual violence is not provided for by current legislation.

The basic indicator “The proportion of minors (left without parental care) who have received state-guaranteed legal assistance” is represented by absolute indicators, it is necessary to indicate as a percentage (in accordance with the Methodology). The reporting period is also not specified.

The basic indicator “The proportion of the population who received state-guaranteed legal assistance, by gender” does not specify the reporting period. No breakdown has been made and the percentage of data by gender is not indicated (only the absolute number of the female population who received state-guaranteed legal assistance is given).

According to the Methodology, the basic indicator “The number of protective orders issued and established special requirements for domestic violence” should be presented during the reporting period. However, the site provides data for the period from 2017 to 2021.

A similar comment is made on the indicator “The number of reported cases of domestic violence against women”. At the same time, the number of official requests from women for help to the internal affairs bodies from 2007 to 2020 is shown.

The dynamic range of the basic indicator “Adolescent fertility rate” covers the period from 2008 to 2021. When characterizing the fertility rate among adolescents by region, the period is not specified.

According to the basic indicator “The proportion of women aged 20–24 who entered into marriage or family union before the age of 18”, the reporting period and data sources (multi-indicator cluster surveys, sample household surveys) are not indicated.

The basic indicator “The proportion of women aged 18–49 (18–75) who have been physically or sexually assaulted by an intimate partner in the last 12 months” also does not indicate the reporting period and data sources. For a comparative assessment, data reflecting the facts of physical or sexual violence throughout life are presented.

It was noted above that additional indicators are not provided by the Methodology, however, certain questions also arise when studying the posted material.

The content of the data of the additional indicator “The number of crisis centers, including those with shelters (the number of men and women who applied, including by type of violence)” does not fully reflect the name. The graph shows only absolute data on the number of crisis centers, including those with shelters. There are no data on the number of men and women who applied, including by type of violence. The choice of the reporting period is also unclear — 2006, 2010, 2015, 2018–2020.

According to the additional indicator “The number of employees of the departments of the Ministry of Internal Affairs for the protection of women from violence”, information is provided for the period from 2007 to 2021.

The additional indicator “Crime rate against women” is presented by data for 2005, 2010, 2015, 2018–2020, and the choice of the period is also not justified. In addition, explanations are needed on the content of the indicator (this is an indicator of the number of crimes committed and the number of persons who committed crimes against women, per 10,000 people, measured in relative terms).

Data on the additional indicator “Number of convicted women, total” are given for the period from 2000 to 2020.

The largest number of questions arises on the additional indicator “Information on crimes in the field of human trafficking, total, including women, minors”. We consider it is necessary to bring the name of the indicator in line with the norms of the current Criminal Code of the Republic of Kazakhstan, which provides for “Trafficking in persons” and “Trafficking in minors” as independent crimes. Given the introduction of the criminal law into force, data should be submitted from 2015, not from 2016.

The additional indicator “Total number of registered crimes, total” shows the absolute number of registered crimes for the period from 2007 to 2020.

Thus, when posting statistical information on domestic violence in open sources, all the above comments should be taken into account and eliminated. It is necessary to use units of measurement, data sources and the reporting period, in accordance with the Methodology.

It should also be noted that, taking into account the latency of domestic violence, other organizational forms of statistical observation are used to assess its real state.

So, in 2015, the Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan, with financial and technical support from UNICEF and UNFPA, conducted a multi-indicator cluster survey “Monitoring the situation of children and women”. The study covered residents of urban and rural areas, in fourteen regions and two cities of Kazakhstan. 16,500 households were surveyed, and the response rate was 99.4%.

Also, in the period from September 14 to November 14, 2015, on the basis of the approved form, a nationwide statistical observation “Domestic violence” was conducted in Kazakhstan. In the course of the study, 14,340 women answered questions regarding the form of household, relationships with the current (current (most recent) husband (partner), former (previous) husband (partner) or persons who are not partners, in particular, manifestations of economic, psychological (emotional), physical, sexual violence. According to the qualitative component, 12 focus groups and 27 in-depth interviews were conducted with various categories of the population: politicians, service providers, journalists, victims and perpetrators of domestic violence, as well as ordinary citizens [4].

Also in 2015, the Committee on Statistics of the Ministry of National Economy of the Republic of Kazakhstan, with financial and technical support from UNICEF and UNFPA, conducted a multi-indicator cluster survey “Monitoring the situation of children and women”.

Victimological statistics have been created and are actively developing, representing criminologically significant data on victims (their socio-demographic characteristics).

The comparison of official statistics with the results of sociological surveys helps to obtain objective data on the state of domestic violence in the country. Thus, during the preparation of the National Report

“On Countering domestic violence in the Republic of Kazakhstan” in 2021, a sample survey of 1,000 respondents from 17 regions of Kazakhstan was conducted; 10 expert interviews and 10 in-depth interviews with victims of domestic violence.

Since 2015, the statistical report No. 1M “On registered criminal offenses and the results of the activities of criminal prosecution authorities” highlights the indicator “The number of offenses committed in the family and household sphere”. Appendix 3 to Table A reflects the “Movement of criminal cases related to domestic violence”.

However, in the original version of the Rules for accepting and registering applications, reports or reports on criminal offenses, as well as maintaining a Unified Register of pre-trial Investigations, approved by the order of the Prosecutor General of the Republic of Kazakhstan dated September 19, 2014, it was not fixed which criminal offenses are counted as committed “in the family and household sphere”.

By the order of the Acting Prosecutor General of the Republic of Kazakhstan dated January 15, 2020, the Rules were supplemented by paragraph 301, which clarified what should be understood by the concept of “criminal offenses in the family and household sphere”. This explanation includes an indication of the form of guilt (intentional or careless acts), the object of offenses (life, health, honor, dignity and freedom of the individual), the situation (as a result of the conflict), subjects (persons who are in registered or actual marital, family or other related relationships, cohabiting persons, as well as neighbors). By order of I. Acting Prosecutor General of the Republic of Kazakhstan on July 2, 2020, neighbors were excluded from the list of subjects of conflicts in the family and household sphere.

### Conclusion

In our opinion, it is difficult to identify a set of signs according to which criminal offenses are considered as committed “in the family and household sphere”. For example, in the “Analysis of statistical data on the state of violence against women and children in 2016”, information on specific criminal offenses was considered (art. 99, 106–109, 110–115, 120–123, 125–128, 131–135, 145–146, 149, 191–192, 194, 201, 248, 293, 308 The Criminal Code of the Republic of Kazakhstan).

Taking into account the existing experience in developing an analytical reference, we consider it is advisable to highlight in the forms of statistical reporting a list of criminal offenses committed in the family and household sphere, rather than consolidate the totality of their signs. Moreover, analytical studies should be conducted on a regular basis.

In general, Kazakhstan strives to fulfill its obligations within the framework of the Coalition of Actions to Combat Gender-based Violence, the Coalition of Actions for Economic Justice and Rights. Work is underway to improve the system of accounting for domestic violence, systematization and placement of statistical information on domestic violence in open sources [5]. The system of national gender statistics is gradually being enriched with unique data that meet international standards. In the future, the strategy, tactics, means and methods of countering domestic violence will be based on strict scientific calculations, on forecasting the development of this negative phenomenon in Kazakh society.

### References

- 1 Калгужинова А.М. Противоправные действия в сфере семейно-бытовых отношений: законодательная регламентация и административная практика / А.М. Калгужинова, С.С. Серикбаева // Вестн. Ин-та законодательства Республики Казахстан. — 2019. — № 1 (55). — С. 150–158.
- 2 Официальный сайт Бюро национальной статистики Агентства по стратегическому планированию и реформам Республики Казахстан. — [Электронный ресурс]. — Режим доступа: <https://stat.gov.kz/edition/publication/collection>
- 3 Официальный сайт Бюро национальной статистики Агентства по стратегическому планированию и реформам Республики Казахстан. — [Электронный ресурс]. — Режим доступа: <https://gender.stat.gov.kz/ru>
- 4 Сборник международных правовых документов Организации Объединенных Наций по вопросам равноправия мужчин и женщин. (Справочный материал для судей). — Астана, 2010. — [Электронный ресурс]. — Режим доступа: <http://www.docme.ru/doc/727941/konvencii-po-ravnopraviyu-polov>; [http://supcourt.kz/rus/mezhdunarodnoe\\_sotrudnichestvo/mezhdunarodnye\\_dogovory/gender.rar](http://supcourt.kz/rus/mezhdunarodnoe_sotrudnichestvo/mezhdunarodnye_dogovory/gender.rar).
- 5 Нормативно-правовые документы в области обеспечения гендерного равенства: Юрид. сб. — 2007. — № 16. — [Электронный ресурс]. — Режим доступа: [http://cawater-info.net/library/rus/legal\\_16.pdf](http://cawater-info.net/library/rus/legal_16.pdf)

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## Қазақстан Республикасындағы тұрмыстық зорлық-зомбылықтың статистикалық есебін жетілдірудің кейбір мәселелері

Мақала Қазақстан Республикасының ресми статистикасында анықталған тұрмыстық зорлық-зомбылықтың сандық-сапалық көрсеткіштерін талдауға арналған. Бүгінгі таңда біздің еліміз отбасылық-тұрмыстық зорлық-зомбылық мәселесін шешу үшін тәсілдердің барынша мүмкін болатын арсеналын пайдалануда, оның себептерін анықтауға және оларды бейтараптандыруға дайын екендігін көрсетуде. Авторлар құқықтық шындықты түсінудің тарихи-статистикалық әдістерін қолданды, осы келеңсіз құбылыстың алдын алудың құқықтық негізін құрайтын қазақстандық заңнаманың нормативтік ережелерін зерттеді. Зорлық-зомбылық құрбандарына көмек көрсету жүйесінің дамуына, тұрмыстық зорлық-зомбылықтың ақпараттық және статистикалық есебін жетілдіруге объективті баға берілді. Гендерлік статистиканың негізгі және қосымша көрсеткіштері жүйесін қалыптастыру әдістемесіне сәйкес статистикалық ақпаратты ашық көздерде орналастыру кезінде сәйкессіздіктер анықталды және нақты ескертулер жасалды (атап айтқанда, өлшем бірліктері, деректер көздері, есепті кезең бойынша). Тұрмыстық зорлық-зомбылықтың нақты жағдайын анықтау үшін авторлар нақты әлеуметтік зерттеу жүргізуді және эмпирикалық негіз ретінде ресми деректерді, сарапшылардың, сондай-ақ тұрмыстық зорлық-зомбылық құрбандарының сауалнамаларының нәтижелерін пайдалануды ұсынады. Статистикалық есептіліктің нысанын, оның ішінде олардың белгілерінің жиынтығын біріктіретін анықтаманы емес, отбасылық-тұрмыстық салада жасалған қылмыстық құқық бұзушылықтардың тізбесін өзгерту керектігі алға тартылады. Тұрақты негізде тұрмыстық зорлық-зомбылық бойынша аналитикалық зерттеулер жүргізу қажеттілігі негізделген.

*Кілт сөздер:* тұрмыстық зорлық-зомбылық, гендерлік статистика, виктимологиялық статистика, статистикалық есеп, негізгі және қосымша көрсеткіштер, алдын алу.

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## Некоторые вопросы совершенствования статистического учета бытового насилия в Республике Казахстан

Статья посвящена анализу количественно-качественных показателей бытового насилия, приведенных в официальной статистике Республики Казахстан. На сегодняшний день наша страна использует максимально возможный арсенал средств для решения проблемы семейно-бытового насилия, демонстрирует готовность к выявлению его причин и нейтрализации. Авторами использованы исторический и статистический методы познания правовой действительности, рассмотрены нормативные положения казахстанского законодательства, составляющие правовую основу предупреждения данного негативного явления. Дана объективная оценка развитию системы оказания помощи пострадавшим от насилия, усовершенствованию информационно-статистического учета бытового насилия. Выявлены расхождения, и сделаны конкретные замечания (в частности, по единицам измерения, источникам данных, отчетному периоду) при размещении статистической информации в открытых источниках в соответствии с Методикой формирования системы основных и дополнительных показателей гендерной статистики. Для определения реального состояния бытового насилия авторами рекомендуется проведение конкретно-социологического исследования и использование в качестве эмпирической базы официальных данных, результатов опросов экспертов, а также пострадавших от семейно-бытового насилия. Аргументировано изменение формы статистической отчетности, включающей перечень составов уголовных правонарушений, совершаемых в семейно-бытовой сфере, а не их дефиниции, представляющей собой закрепление совокупности их признаков. Обоснована необходимость проведения аналитических исследований бытового насилия на регулярной основе.

*Ключевые слова:* бытовое насилие, гендерная статистика, виктимологическая статистика, статистический отчет, основные и дополнительные показатели, профилактика.

### References

- 1 Kalguzhinova, A.M. & Serikbaeva, S.S. (2019). Protivopravnye deistviia v sfere semeino-bytovykh otnoshenii: zakonodatelnaiia reglamentatsiia i administrativnaia praktika [Illegal actions in the sphere of family and household relations: legislative regulation and administrative practice]. *Vestnik Instituta zakonodatelstva Respubliki Kazakhstan — Bulletin of the Institute of Legislation of the Republic of Kazakhstan*, 1 (55), 150–158 [in Russian].
- 2 Ofitsialnyi sait Biuro natsionalnoi statistiki Agentstva po strategicheskomu planirovaniu i reformam Respubliki Kazakhstan [Official website of the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan]. *stat.gov.kz*. Retrieved from <https://stat.gov.kz/edition/publication/collection> [in Russian].

3 Ofitsialnyi sait Biuro natsionalnoi statistiki Agentstva po strategicheskomu planirovaniu i reformam Respubliki Kazakhstan [The official website of the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan]. *gender.stat.gov.kz*. Retrieved from <https://gender.stat.gov.kz/ru> [in Russian].

4 Sbornik mezhdunarodnykh pravovykh dokumentov Organizatsii Obedinennykh Natsii po voprosam ravnopraviiia muzhchin i zhenshchin. (Spravochnyi material dlia sudei) [Collection of international legal documents of the United Nations on Gender Equality (Reference material for judges)]. *www.docme.ru*. Retrieved from <http://www.docme.ru/doc/727941/konvencii-po-ravnopraviyu-polov>; [http://supcourt.kz/rus/mezhdunarodnoe\\_sotrudnichestvo/mezhdunarodnye\\_dogovory/gender.rar](http://supcourt.kz/rus/mezhdunarodnoe_sotrudnichestvo/mezhdunarodnye_dogovory/gender.rar) [in Russian].

5 Normativno-pravovye dokumenty v oblasti obespecheniia gendernogo ravenstva: Yuridicheskii sbornik [Normative legal documents in the field of gender equality: A legal collection]. *cawater-info.net*. Retrieved from [http://cawater-info.net/library/rus/legal\\_16.pdf](http://cawater-info.net/library/rus/legal_16.pdf) [in Russian].

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