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Interaction of state organs and public organizations as a factor of reaction to domestic violence against women

The article discusses the interaction of state organs and public organizations as a factor of reaction to domestic violence against women. The author reveals the legal framework and mechanisms of enforcement practice in the sphere of inter-agency cooperation and prevention of offenses related to domestic violence. Domestic violence increases the number of dysfunctional families, leads to divorces, deprivation of parental rights, increases juvenile crimes, suicide, murders, not to mention causing serious harm to health and morale of man.

Key words: women's rights, violence against women, domestic violence, interaction, state organs, public organizations.

The problem of domestic violence has long been in all countries of the world. At the same time this has no value to the level of development of the country. Another issue is that the manifestations of this anti-social phenomenon in different countries are different. For some time now this issue has become worn national status in our republic. Practice shows that the prevalence of domestic violence against women in Kazakhstan is a serious problem.

Domestic violence increases the number of dysfunctional families, leading to divorce, deprivation of parental rights, an increase in juvenile crime, suicide, murder, not mention about causing sore injuries to health and mental state of human. Typically, many facts of violence against women are not fixed, and in reality there are many more than statistics show. Thus, the presence of such fact, truly makes this kind of crime - a crime without punishment.

In Kazakhstan have been paid a lot of attention to resistance of domestic violence issues from government agencies, non-governmental human rights organization, long before adopting the law. Many variations and forms of implementation have been discussed. But the adoption of a special law on prevention of domestic violence and a number of connected normative legal acts of the Republic of Kazakhstan to prevent domestic violence in the family and to assist its victims, have not solved the problems of interdepartmental interaction of the subjects of prevention of domestic violence.

According to official statistics of the Committee on Legal Statistics and Special Records of the General Prosecutor's Office over the past four years (2010–2014 years) on the territory of the Republic of Kazakhstan recorded 153,178 crimes against women. They are: murders and attempted murders — 1851 cases; intentional infliction of grievous bodily harm — 1418; intentional infliction of harm to health of average weight — 2352 cases; beatings — 1102; torture — 172.

The Leader of the Nation N.A. Nazarbayev in his Message named «Strategy «Kazakhstan – 2050»: New political course of established state» straightly says: «I worry about the increasing of domestic violence against women and children in families. Must not be disrespectful attitude towards women. And I must say that such kind of violence must be strictly prevent» [1].

In May of 2014 in Almaty was held the International Conference on the protection of women from violence with regular discussion of the bill aimed at solving the problem of domestic violence. The conference was attended by experts from government, non-governmental and international organizations. The main aim of this event is to analyze the norms of national and international legislation in the range of domestic violence, improving of mechanisms to prevent and stop domestic violence, establishing of a constructive partnership between state agencies and institutions of civil society at local and regional levels, creating an effective mechanism for the implementation of the State's obligations to protect women's rights.

Analyzing the current state of the legislation of the Republic of Kazakhstan on counteraction to domestic violence the following points can be identified which are clearly in need of improvement:

Firstly, in our opinion, it is necessary to expand the name of the law, which restricts the scope of its application, since objects, who are automatically subject to this law cannot live together, not to conduct a joint household, thus have no common household living conditions. Considering this nuance is necessary to state

the name of the law with regard to definitions adopted in the current legislation governing marriage and family relations.

Secondly, clarification and explanation, respectively, require the notion of forms of violence, namely: physical, psychological, sexual, and economic. In addition, at the legislative level necessary point is to clarify concepts such as, for example, the aggressor and the person who has suffered from violence. Another no less important proposal was the need to exclude certain insignificance caused harm to a person affected by the violence.

Since the problem of domestic violence should be eradicated from the beginning, and not engaged in a liquidation of the consequences, it is important to solve the range of legal issues. The importance here is the role of law enforcement in this matter, so that, for example, a police inspector should report establishing facts of violence to the centers of assistance to victims. It is necessary to provide for compulsory up to the administrative responsibility, communication officials about the facts of violence by the competent authorities and public organizations involved in countering and eliminating the consequences of domestic violence against women and to further the mechanism of interaction of law enforcement bodies with similar public organizations.

The concept of «interaction» is illuminated in different ways. It is used by lawyers, philosophers, psychologists, economists, experts in the sphere of management, and so on. This is natural, and therefore justified: after all, «when we consider and reflect upon our own spiritual activities, we, firstly imagine a picture of a carefree intertwining relations and interactions» [2; 20]. Under the interaction in the sphere of combating and prevention of offenses in the area of family relations should be understood joint and concerted action by preventing the subjects of law, and civil society organizations on the purpose, time and place, based on regulations, best practices for interagency cooperation in the field of general prevention of offenses and crimes.

The mechanism of inter-agency cooperation should consist of three interrelated components that define the logic of the activities and influence of some of the results in the achievement of the other:

- 1) the establishment of mechanisms of inter-agency cooperation at all levels — at the level of decision-making and the level of direct assistance to victims;
- 2) strengthening the professional capacity of specialists working directly with cases of domestic violence in order to meet the needs of the victims;
- 3) raising awareness of the problem of domestic violence, with the aim of prevention and the availability of information on regional resources assistance to the victims.

In order to achieve the positive results of interdepartmental cooperation, it is necessary to establish cooperation entities on the prevention of domestic violence registration discipline in this area. It may happen when the victim of domestic violence turn to the organization for assistance and the fact of domestic violence will be registered. Then it will be sent to the police department, and the police have records of this fact, and if this fact provides medical assistance to the victim, the third time is the same case will can be the summation indices subjects of domestic violence prevention, showing growth of crime in everyday life. This problem should be regulated by legal measures eliminating duplication of registration of the same cases.

Without solving these problems now, it turns out that all the subjects of domestic violence prevention results will be summed up in different numbers and actual domestic violence will not be less. But we cannot say that statistics and analysis of domestic violence do not carried out in the Republic of Kazakhstan. For example, the Committee on Legal Statistics and Special Records of the General Prosecutor of Kazakhstan publish these reports annually, but they involve violence (and not necessarily domestic) only in respect of women and children [3, 4].

The need for a coordinated multi-agency approach to the life of victims of domestic violence is caused by the complex nature of the problems affecting many areas.

The main areas in which concentrated most of the basic needs of victims of domestic violence:

In the Message to the nation of Kazakhstan the President of the Republic of Kazakhstan — Leader of the Nation Nursultan Nazarbayev named «Strategy «Kazakhstan-2050»: New political course of established state» notes that «The law should not only protect the national interests, but also synchronize with the dynamically developing international legal environment» [1]. The President entrusted the Government of the Republic of Kazakhstan to take systemic measures to improve the competitiveness of our legal system in all of its basic industries both public and private law. In this regard, special attention deserves the international experience of interagency cooperation in the prevention of domestic violence.

Here, the most important principle is the joint work of state agencies and public organizations at all stages of interaction with the family, where there was to be domestic violence.

In this regard, it justified the use of the international experience that the coordinators of all the work should be non-governmental organizations in the face of case manager, who should represent the social organization as a link between all participants of inter-agency cooperation [4; 56]. Case manager assumes the role of a kind of guide supporting the victim of domestic violence, if they need. It helps to determine the priority needs and problems, because it is (in most cases) for people who have a direct or indirect relation to the abuse of alcohol, drugs, leading risky for them and the environment lifestyle. If needed for a medical examination, case managers are literally the customer's hand to the experts agree on the delivery of analyzes, solve social problems with them.

The foregoing leads to the need for a new conceptual approach to the problems of coordination and cooperation of all the subjects of prevention domestic violence. In our view, the present state of the legal foundation and the mechanism of law enforcement practice in the sphere of inter-agency cooperation and prevention of offenses related to domestic violence, is not the final version, and require constant improvement.

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Мемлекеттік органдар мен қоғамдық ұйымдардың әрекеттестігі әйелдерге қарсы тұрмыстық зорлық-зомбылыққа қарсы күрестің факторы ретінде

Мақалада мемлекеттік органдар мен қоғамдық ұйымдардың өзара ықпалдастығы әйелдерге қарсы тұрмыстық зорлық-зомбылықпен күресудің факторы ретінде қарастырылған. Автор тұрмыстық зорлық-зомбылықпен байланысты құқық бұзушылықтың алдын алу мен ведомствоаралық ықпалдастық саласындағы құқық қолдану тәжірибесінің құқықтық негіздері мен механизмдерін ашып көрсеткен. Тұрмыстық зорлық-зомбылық берекесіз отбасылар санын арттырады, ажырасуға, ата-ана құқығынан айыруға, балалар қылмыстылығының өсуіне, адамның денсаулығы мен моральдік жағдайына ауыр зиян келтіруді айтпағанның өзінде, өз-өзіне қол жұмсауға, кісі өліміне алып келеді.

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Взаимодействие государственных органов и общественных организаций как фактор противодействия бытовому насилию в отношении женщин

В статье рассмотрено взаимодействие государственных органов и общественных организаций как фактор противодействия бытовому насилию в отношении женщин. Автором раскрыты правовые основы и механизмы правоприменительной практики в сфере межведомственного взаимодействия и профилактики правонарушений, связанных с бытовым насилием. Доказано, что бытовое насилие увеличивает число неблагополучных семей, приводит к разводам, лишению родительских прав, росту детской преступности, суициду, убийствам, не говоря уже о причинении тяжкого вреда здоровью и моральному состоянию человека.

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