

Open letter to the Government of the Republic of Kazakhstan calling for improved protection of women at risk of domestic violence during the COVID-19 crisis.

14 April 2020

This letter is written on behalf of the Coalition of NGOs against Torture in Kazakhstan a structure which includes amongst its members human rights organizations, lawyers and forensic and psychiatric experts, and our Brussels-based partners International Partnership for Human Rights.

Since the introduction of quarantine measures on 15 March 2020 due to the COVID-19 pandemic, many countries across the world are facing a sharp rise in incidents of domestic violence, as outlined by UN Secretary General Antonio Guterres in his statement of 2 April 2020. He said *"We know lockdowns and quarantines are essential to suppressing COVID-19. But, they can trap women with abusive partners. Over the past weeks, as economic and social pressures and fear have grown, we have seen a horrifying global surge in domestic violence. In some countries, the number of women calling support services has doubled."* He added *"health-care providers and police are overwhelmed and understaffed. Local support groups are paralyzed or short of funds. Some domestic violence shelters are closed; others are full."*

The Union of Crisis Centers ALE is a Coalition member and a network of 18 organizations from 11 regions of Kazakhstan which aims to prevent gender-based violence. The Union of Crisis Centres reports that since the state of emergency was declared on 15 March and people were confined to their homes, the number of reports of domestic violence in the cities of Nur-Sultan and Almaty has risen sharply. In March 2020, 199 complaints were received regarding incidents of domestic violence, over 25 % more than usual. The Department of Social Welfare of Almaty has provided a separate room for newly arrived victims of domestic violence to be placed in quarantine.

In March 2020 in Kazakhstan, the horrific case of Aunagul Bekenova, whose ex-husband attacked her and slashed her face from mouth to ear in the bar where she worked, highlighted the issue and spread

of domestic violence in the country, and there are fears that the state of emergency will only worsen the tensions and violence in families.¹

Aigul² had to take refuge in a crisis centre in March 2020 after her husband beat her. She says *"I always thought that we had the happiest family, my beloved husband and I and our children. Everything was fine and the sky seemed cloudless to me... Our only problem was with housing, the six of us living in a small one- room house with a kitchen... I loved my husband very much and always took care of him. But in March, he began to make comments about my appearance, saying I have grown fat, and look bad. My husband began talking about how much he would like to bring his second wife to the house. I always thought he was joking - until it really happened. He said that due to my constant worries about housework and children, I wasn't paying him enough attention... At the end of March, he brought home a young woman of about 20 years old. There were constant fights with my husband, he shouted, cursed, started to beat me. The last time he beat me in front of children. The police brought me to the crisis center"*.

The fact that domestic violence is not a criminal offence in Kazakhstan means that the perpetrators are not punished adequately; there is no deterrent effect and a perception of impunity which leads to an increase in domestic violence. Zulfiya Baisakova, director of the Union of Crises Centers says *"The home is a place where everybody should feel safe, but domestic violence destroys this main right. We have had enough of solemn speeches and statistics - now is the time to criminalize domestic violence in Kazakhstan"*.

The situation is worse now because of the state of emergency. Courts can issue warnings or order administrative detention for up to 10 days, but due to the shutdown court activities have been suspended or limited and the courts often prioritize cases involving violations of quarantine rules.

The restrictions on movement during the emergency situation also mean that it is impossible to conduct a forensic medical examination, or to gather evidence of domestic violence. In order to effectively combat this problem, which affects an estimated 34 % of women and 28 % of children (as victims and witnesses) in Kazakhstan, it is necessary to criminalize domestic violence and end impunity for perpetrators. This will send a strong message that domestic violence is not acceptable.

The NGO Coalition of Kazakhstan Against Torture and IPHR also recommend that the government take the following immediate measures as a matter of priority:

- guarantee a swift response to reports from victims of domestic violence from both local police officers and the 102 service;
- inform law enforcement officers that issuing protective orders and intervention in cases of domestic violence should be treated as a priorities, along with cases related to the COVID-19 pandemic;
- ensure the continuation of court hearings on cases of domestic violence;
- ensure that measures are taken to allow victims of domestic violence to access timely forensic examinations when necessary;
- provide informational support to the 150 service to ensure the public is informed about the provision of round-the-clock psychological and information support.

1 http://ratel.kz/raw/devushka_kotoroj_byvshij_muzh_izurodoval_litso_obratilas_k_prezidentu

2 The name has been changed for security reasons

We support UN Secretary General Guterres's call to the authorities of all countries to include the prevention of violence against women and redress a key part of their national response plans to combat COVID-19.

We trust that you will swiftly take all the necessary measures to address the problems outlined above, and we would be grateful if you could provide information about your plans to ensure that women are protected against domestic violence while the state of emergency lasts.