Decriminalization of domestic violence: perspective of experts and public opinion in Kazakhstan

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Abstract

This study aims to shed light on the decriminalization of domestic violence in Kazakhstan, specifically exploring the perspective of non-governmental experts and public opinion. Using a mixed-methods approach, 254 survey responses were collected from the residents of Astana, and seven interviews were conducted with experts. The results of the logistic regression analysis revealed that younger age respondents, females, not married and without children were more likely to support the measure that domestic violence should be criminalized. Our findings suggest that under decriminalization the absence of adequate punishment and protective tools for victims are critical issues since they may send the wrong signal to society and unleash the hands of the aggressors. Another issue with decriminalization is that it creates issues of impunity which later breeds violence. Although domestic violence was criminalized in Kazakhstan before 2017, it was not implemented in practice properly. Victims lacked the legal tools and resources to protect themselves. As claimed by the study respondents, a legal approach is necessary but not enough because the issue of domestic violence requires a multifaceted approach. Necessary steps may include social changes such as fighting against gender-based discrimination and gender inequality, changing the deeply-rooted patriarchal norms, and inculcating a culture of zero tolerance towards domestic violence. Further detailed recommendations based on the responses of experts and best practices for handling domestic violence around the world are provided.

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Chapter 1. Introduction

1.1 Background

Domestic violence (DV) has been a persistent issue for a long time and was further escalated globally during the COVID-19 pandemic. This indicates the significance and relevance of the issues of legal regulation in combating DV. The United Nations defines domestic abuse, also called "DV" or "intimate partner violence", as a "pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner" (United Nations, n.d.). The issue of prevalent DV practices in many countries, including Kazakhstan, is becoming a systematic issue of refusal by law enforcement agencies to protect victims. This includes stereotypical attitudes of police officers and counts, victim-blaming attitudes among the general public, equalizing the act of DV with the ordinary and day-to-day conflict, and regarding DV as a private family matter (Davtyan, 2021; Policastro et al., 2013).

According to the national survey conducted by the Committee on Statistics under Kazakhstan's Ministry of National Economy (2017), 17% of survey respondents reported experiencing intimate partner-initiated physical and/or sexual violence. About 57% of them reported frequently experiencing violence in the previous year. Some also had experienced emotional abuse and economic abuse, 21% and 7% respectively. 66% were injured at least once after the partner's violence. 51% of the women indicated that the survey interviewer was the first one to whom they have reported about the violence, in other words, half of them had never reported to anyone about experiencing DV. Only 8% of them had reported to the police. This indicates the prevalence of systematic failure which keeps the victims from reporting their experiences and leads to the issue of underreporting. DV in many cases is perceived as a 'family matter.' The victims are discouraged from reporting abuse due to many social barriers such as stereotypical and victim-blaming attitudes among the police and the public. Another reason is the refusal by law enforcement agencies to protect victims and register victims' complaints.

1.2 Problem Statement

The consequences of the prevailing problem of DV can have significant effects on both the individual victims and on society as a whole. It can have social costs as well as economic costs. Social costs include detrimental effects on the welfare of victims which may increase the overall

number of incidences of depression, anxiety, post-traumatic stress disorder, and suicide (Takahashi, 2022). Economic costs include increased expenditures on medical services for the victims as well as for the state in terms of expenditure on medical services provision, a decrease in the women's labor force participation rate, and a related decrease in their labor productivity. According to Goodmark (2021), decriminalizing DV refers to "deemphasizing the criminal legal system's role in responding to intimate partner violence" (p.1). Concerning the societal reaction to the decriminalization of DV, the policy change led to public criticism and the following events took place. On September 28, 2019, in Almaty, Kazakhstan's previous capital city, there were participants protesting against gender-based violence, indicating the government's failure to adequately protect women against domestic violence ("Kazakhstan: Little Help for DV Survivors," 2020). More recently, there was a peaceful rally marking International Women's Day on March 8, 2022, in Almaty, striving for respect for women and protecting them from violence (Vorobyeva, 2022). Many of the participants who were interviewed believed that the "fine is not effective against abuse" and that their abusers "did not care" about the fine. However, the latest case on November 9, 2023, related to the brutal murder of Saltanat Nukenova (for which her husband, ex-minister of economy, is being suspected) has caused a heated public discussion (Kim, 2023). Various online platforms are being used actively by people to share their disagreement, sign the petition to criminalize DV (around 150 000 people) and for some survivors of DV to post their stories too (Kim, 2023; UN News, 2023).

1.3 The objective of the study and research questions

Many experts believe that the existing Law of the Republic of Kazakhstan "On domestic violence" could not create an effectively organized mechanism for counteracting DV. This creates the need for further research to propose improvements in the content of its prevention measures and the algorithm for their application. According to the UN Treaties on DV, "domestic violence is recognized as a violation of human rights" (United Nations, n.d.). Thus, as required by international law, DV has to be addressed by the government. As such, this thesis focuses on the legal aspect of DV and attempts to answer the following research questions: 1) How do people perceive the decriminalization of domestic violence and what are the factors affecting their perceptions? and 2) What is the perspective of the non-governmental actors on the decriminalization of domestic violence?

Chapter 2. Literature Review

2.1 Definition of DV and the ways of fighting against it

DV or intimate partner violence refers to "a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner" (United Nations, n.d.). Intimate partner violence (IPV) can refer to behavior in an intimate relationship that brings physical, emotional, economic, sexual, and psychological and sexual damage to the partner (WHO, n.d.). Violence can be executed through any behavioral patterns that can "frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone" (United Nations, n.d.). According to the UN Treaties on domestic violence, DV is a universal human rights' violation (United Nations, n.d.). Therefore, the international legal tools imply a responsibility provided by the international law to address the issue of DV.

States use various policies while fighting against DV. A number of countries use legal responses, namely the criminalization of DV, which "…refers to efforts to address domestic violence through the passage and enforcement of criminal and civil laws" (Danis, 2003). This involves criminal justice interventions, starting from the case of DV moving through the system, beginning with police intervention, conceding a protective order, prosecution, court response/decision, and sentencing in case the offender is found to be guilty. Yet there also exist places where the DV legislation exists but criminal prosecution is lacking. Particularly, Douglas and Godden (2003) have explored the relationship between Queensland DV legislation and Queensland Criminal Code. They found that women do not pursue criminal matters due to a lack of legal information as well as the fact that police often do not open any criminal charges because they perceive it as a 'low priority' issue. Hence, as the paper argues, the criminal law is just a blunt instrument that needs formal, as well as public accounting of the problem. The public accounting of the issue is what makes the criminal law ineffective in reducing the number of cases. Some other countries totally remove DV from their criminal codes, thereby decriminalizing it. Under decriminalization, DV is in many cases just reclassified from a criminal offense to an administrative one. As such, abusers can avoid jail and just pay an established fine or do some social work, which may differ from country to country (Sen, 2019).

There is an ongoing debate on the decriminalization of DV and its perceived effectiveness among scholars, lawyers, and other experts in the field. Different research papers from different parts of the world provide arguments for and against the decriminalization of DV which are discussed next. Regarding our first research question about people's perception of this issue and the factors that influence their perception, we added the findings of previous literature on public opinion about DV and decriminalization. Lastly, we narrow down to the case of Kazakhstan to discuss the legal changes regarding DV and the debate going on in the media.

2.2 The arguments *For* the decriminalization of DV

2.2.1 Increased spending on legal efforts and less budget for social services as a result of criminalization

Goodmark (2021) focuses on the reasons why the criminalization of DV is a failed policy, particularly discussing its effects in the context of the US. As Goodmark notes, the enactment of the Violence Against Women Act (VAWA) in 1994 in the United States was intended to guarantee funding both for social services and legal efforts. However, in reality, the larger share of the funds went toward the latter, implying that the higher emphasis on criminal response led to more of the economic resources being allocated to legal procedures instead of the other means of economic support. Particularly, social services funds dropped by 23%. Goodmark also argues that the criminalization of DV in the US did not provide any evidence for decreased violence cases because the overall crime rates also declined. As she notes, criminalization has largely contributed to the incarcerated population in the US and this view is supported by Korkodeilou (2020), who mentioned that incarceration should be the last option to think about in her review of Goodmark's book.

Similarly, Abraham and Tastsoglou (2016) state that despite the criminalization of DV in the US and Canada being celebrated as a victory that supports women by responding to the abuser immediately, in reality, it has not improved gender equality and does not make women safer. It results in the anti-violence network being caught in the issue of constant government funding of services. Likewise, Goodmark (2017) argues that investment in prisons and legal cases cuts the funding for healthcare, education, and other social services for disadvantaged communities.

2.2.2 Disproportionate effect of criminalization on women and minority groups

While it is perceived as if it is protecting women, Goodmark (2021) also notes that criminalization in fact harms the victims, as dual arrests occur very often and their children get sent to child protective services. Women of color have been even more disproportionately affected, experiencing negative encounters with police officers. Moreover, Goodmark makes a crucial point that the community can be both a source of support of violence and perpetuation, so such context also matters when moving toward decriminalization (Goodmark, 2021). Muslim societies, for instance, are where women are discouraged to divorce and also keep family issues private, which infers that DV should also be kept as such (Karabalina et al., 2017). Furthermore, Abraham and Tastsoglou (2016) argue that criminalization does not adequately consider the economic, social, and political barriers which need to be taken into account for the victims to get involved in the criminal justice system. It does not realize the destructive consequences on marginalized groups, whose human rights are weakened by the criminal justice system. Race, culture, ethnicity, and migration work in ways that limit those groups' access to the justice system. It also results in high rates of incarceration as well as economic hardship for the victims and their families. Danis (2003) argues that police interventions can lead to unintended consequences which includes retaliation against victims by their abusers, dual arrests, and the probability of lack of cultural sensitivity to victims and perpetrators. Danis also believes that prosecution policies, forcing victims to testify against their abuser can disempower those victims. As a result, the victims may feel revictimized by the criminal justice system. Moreover, successful prosecution may not necessarily put an end to abusive behavior, and similarly, different prosecution strategies can both empower or disempower victims.

2.2.3 Simplification of the system as a result of decriminalization

Semukhina (2020) conducted in-depth interviews with official actors, including police officers, defense lawyers, judges, and staff of NGOs working with victims to identify the impact of decriminalization of DV on both criminal justice professionals and victims. The criminal justice workers were in favor of decriminalization, stating that it has eased their job as they do not have to deal with victims who often change their minds, reconciling with their husbands thereby wasting the police and judges' time. It also takes much less time to quickly file an administrative charge which is paid and the case is closed. Voroshilova and Muzykankina (2019) also claim that decriminalization helped to simplify the system and keep the guilty responsible for an act because

when DV was in the criminal code, the offenders were left unpunished and were even empowered. Such consequences were explained by the fact that the responsibility to bring the case and collect the evidence and other documents required for the prosecution was on the victims, who mostly lacked the legal knowledge and failed the case. While with decriminalization, authors claim that full responsibility is transmitted to law enforcement officials that will ensure the needed measures are taken and the offender has been given the appropriate punishment.

2.2.4 Economic consequences of criminalization for families

Goodmark (2017) also argues that incarceration as a result of DV leads to the ex-prisoners usually finding fewer jobs and earning less, thereby making them prone to higher recidivism. Their families and the community also get affected, often losing primary sources of income. Thus, the communities get prone to poverty which may cause further conflicts. The incarcerated also tend to bring more violence to their communities following the trauma they receive in prison.

2.3 The arguments *Against* the decriminalization of DV

2.3.1 Decriminalization as a 'step backward'

On the other hand, scholars indicate that criminalization is still necessary because decriminalization has side effects on victims (in particular, women and children). For example, Goodmark (2017) states that criminalization increases individuals' safety, provides accountability for the abusers experiencing punishment for their behavior, and signals the appropriate behavior to society. Decriminalization, however, is blamed for sending the opposite signal that violence is sort of normal and acceptable, as Semukhina (2020) shows in her paper about Russia. Semukhina (2020) and Chebotareva (2022) also argue that decriminalization had devastating effects in Russia because it punished not only offenders but victims too. Because victims most of the time live together with offenders, administrative fines that needed to be paid from the pockets of offenders were in fact paid from the family budget. According to Semukhina (2020), these victims then faced even higher violence after the men paid for the charge.

Other authors, including Bochkareva (2017) and Apostu (2019) who examined the Russian case of decriminalization similarly stressed how administrative punishments being paid from a joint budget negatively reflect on the victims' situation. In addition, Bochkareva (2017) brings up the

experts' views that the idea of criminal punishment only in the case of repeating violence is flawed because in practice it might be too late and end up with serious injuries or death of victims. Thus, she stresses the need for serious consideration of DV compared to other violence outside the family, since violence inside the family is more dangerous: both victim and offender are under one roof and victims may not escape as in the case of street violence. Apostu (2019) also calls decriminalization 'a step backwards' process, which gives less protection to women. The author explains that most of the time victim complaints are refused and the process has been further complicated to make them less inclined to ask for assistance. While Usanova (2020) also supports such views, she brings another important point that traditional and patriarchal beliefs of Russian elites played a huge role in the decriminalization of DV despite the fact that it leaves many unpunished.

2.4 Public perceptions of DV legislation

Perrotta et al. (2022) investigate the factors that affect the public awareness and perception of DV legislation in the three countries that recently introduced reforms, particularly in Russia, Ukraine, and Latvia. The paper mainly studies the attitude of the public towards the following reforms: the decriminalization of DV in Russia (2017), the criminalization extension to also include psychological and economic abuse in addition to physical violence in Ukraine (2019), and the amendments to the law "On the Police" which allows the police to separate a victim of DV from the abuser even without the victim filing an application in Latvia (2022). The main variables of the study included socioeconomic factors, including gender, education, marital status, religiosity, employment, budget, age, children, residence type, as well as the main variable of whether they support the legislation addressing DV or not. Moreover, a question on the awareness of the recent legislation reforms, including their correct knowledge of it and their expectation about the effectiveness of the reform was included in the study. The findings revealed that in Russia, women and marital status including the presence of children had the strongest explanatory power. Those who were more sensitive to the issue were more likely to support the enactment of the legislation, while those who perceived DV to be a more private matter were less supportive. In Ukraine, gender and family situation produced similar results, while religiosity also supported the legislation along with those with tight economic margins. The broad conclusions for Latvia are similar, in addition to those with higher education being less supportive of the legislation. The effect of the family

situation goes in different directions in the three countries. Particularly, divorced respondents were less supportive of the legislation in Latvia but more in Russia, as well as those with children were less supportive in Russia but more in Ukraine. Regarding the awareness and knowledge of the reforms, men, married, less-educated respondents, younger age groups, and minority language speakers were found to be less informed across all three countries (Perrotta et al., 2022).

Similarly, Yick (2000) surveyed 262 Chinese Americans on how they define DV and their attitudes toward its criminalization. They found that 85% of the respondents agreed that it is counted as a crime and police should intervene. However, many of the Chinese Americans within the sample were also ambivalent about whether all the behaviors occurring within the family should be private or not. Although gender did not make any difference in the attitudes toward DV criminalization among the sample, those who were more traditional were less likely to regard DV as a crime and less likely to accept that outside interventions were required in the cases of DV. Robinson (1999) attempts to identify the extent to which the public views and supports the criminalization of DV among Alabama residents. The main variables included in the study were gender, age, race, education, and household income. The results indicated that females, Caucasians, less-educated, older respondents, and wealthy were more likely to agree with the pro-arrest policies, whereas males, younger participants, well-educated, African-Americans, and poor were less likely to agree with the above mentioned policies. Joshi and Childress (2017) provide us with similar results in their national survey of attitudes toward intimate partner violence among married women in Kazakhstan, Kyrgyzstan, and Tajikistan. Their finding suggests that less educated women, female members of Asian ethnic groups (vs Russian women), women residing in middle-class urban areas (vs from high wealth urban areas), women who lived in specific regions were more likely to accept IPV, and exceptionally in Kazakhstan women who were 10 or more years younger than their husband were more approving of IPV.

Talking about the public perception, Johnson and Sigler (2000) stated that recent changes in laws and regulations regarding domestic abuse have become stricter in addressing the mistreatment of women by their intimate male partners. The study found that the general public has little tolerance for violence towards women and that the public's views on the criminalization of wife abuse has become more severe over time, from the year 1986 to 1997. There is a general consensus among the public in favor of a more severe punishment for those committing acts of wife abuse.

2.5 Kazakhstan's context

As mentioned earlier, both Western and Russian scholars have studied how decriminalization works, and experts view the effects of decriminalization differently. Regarding Kazakhstan, it should be acknowledged that it followed Russia in decriminalizing DV in 2017. However, the decriminalization of DV policy is not that simple in Kazakhstan, and the government of Kazakhstan has made several changes to the law that addresses issues of DV since its independence. At the initial stage, in 1997 there were five articles that covered DV issues in Kazakhstan's Criminal Code. These five articles include Art. 103 (Grave harm to health), Art. 104 (Moderate harm to health), Art. 105 (Minor harm to health), Art. 106 (Assault and battery), and Art. 107 (Torture/torment) (Criminal Code of the Republic of Kazakhstan - "Adilet" LIS, n.d.). But it was only in 2009 that Kazakhstan adopted the domestic violence Act which for the first time defined what DV entails and its forms, as well as domestic competent authorities to deal with the issue ("Sample Survey on Violence Against Women in Kazakhstan," n.d.). Yet both the domestic violence Law and the criminal code specifically did not criminalize DV. In 2014, a new criminal code was adopted with the same articles, yet with some important changes: The article on Minor harm to health and Article on Assault and battery became criminal offenses.

However, as mentioned earlier, decriminalization of DV took place in 2017, and the former articles on *Minor harm to health* and *Article on Assault and battery* which were previously in the criminal code were transferred to the administrative code (to already existing Article 73) with exactly the same criteria under the Art. 73-1 and Art. 73-2 respectively. The law of the Republic of Kazakhstan dated July 3, 2017 on amendments and additions to certain legislative acts of the Republic of Kazakhstan on improving the law enforcement system excluded Art. 108 from the Criminal Code, which provided for liability for intentional infliction of minor harm to health and Art. 109, which provided for liability for beatings (Rakhmetov, 2020). Under such regulations, an offender had to pay a fine or an administrative arrest of up to 15 days. In 2019, fines were substituted by a court warning, making the punishment even softer (Azhigulova, 2021).

Concerning the latest changes, from July 1, 2023, the police switched from declarative to detective registration of domestic offenses (Stativkina, 2023). The new amendments allow the initiation of cases of administrative offenses without a statement from the victims. As of January 2024, there is an ongoing discussion of a new bill on DVD that is considering the inclusion of criminal liability

for beating and will be sent for consideration to the Majilis of the Parliament of the Republic of Kazakhstan (Zharbulova, 2024).

It should be acknowledged that in Kazakhstan, the media brings different expert opinions and highlights the importance of the issue. Some of these include how under decriminalization, victims (mostly women) have to prove that they are seriously injured spending at least 3 weeks in hospitals. But as one lawyer argues, no woman will leave her children for 21 days alone and spend so much time at the hospital even if they break their legs; other human activist questions the effectiveness of the system, that no specific governmental body exists to deal with DV which makes victims reluctant and hopeless to appeal for help (Mikhailidi et al., 2021). Another lawyer gives her opinion to Kazakhstanskaya Pravda that administrative punishments and warnings do not work since the offender continues beating his wife and kids after his return (Milenkaya, 2022). Other expert perspectives brought in Liter.kz and Cabar.asia similarly argue for the criminalization of DV due to an ineffective system under decriminalization (impunity problem) (Viklyuk, 2022; Zhapisheva, 2020).

The scholarly works and research on the decriminalization of DV in Kazakhstan, however, are very limited. A few articles, some of which include Rakhmetov (2020), Muravyeva (2021), and Rakhimberdin and Geta (2021) discuss how the DV cases increased after the decriminalization and that the removal of articles 108 and 109 from the criminal code was not the right decision. Thus, this thesis contributes to filling this gap by examining the perspectives of the experts regarding the changes in the law and their effect on the current state of DV in Kazakhstan. It will also focus on studying the general public awareness and their approval/disapproval of the decriminalization of DV, thus adding a new perspective to the issue, as no sufficient scholarly works have been conducted on it in the country.

2.6 Conceptual Framework

The Figure 1 below represents the conceptual framework, which includes key arguments in the literature review that are presented briefly. Basically, the existing literature was divided into papers that argue for decriminalization (and against criminalization) and the ones that argue against decriminalization (and for criminalization). At the same time, the section about works on public perception of DV legislation was also included since one research question aims to study public opinion.
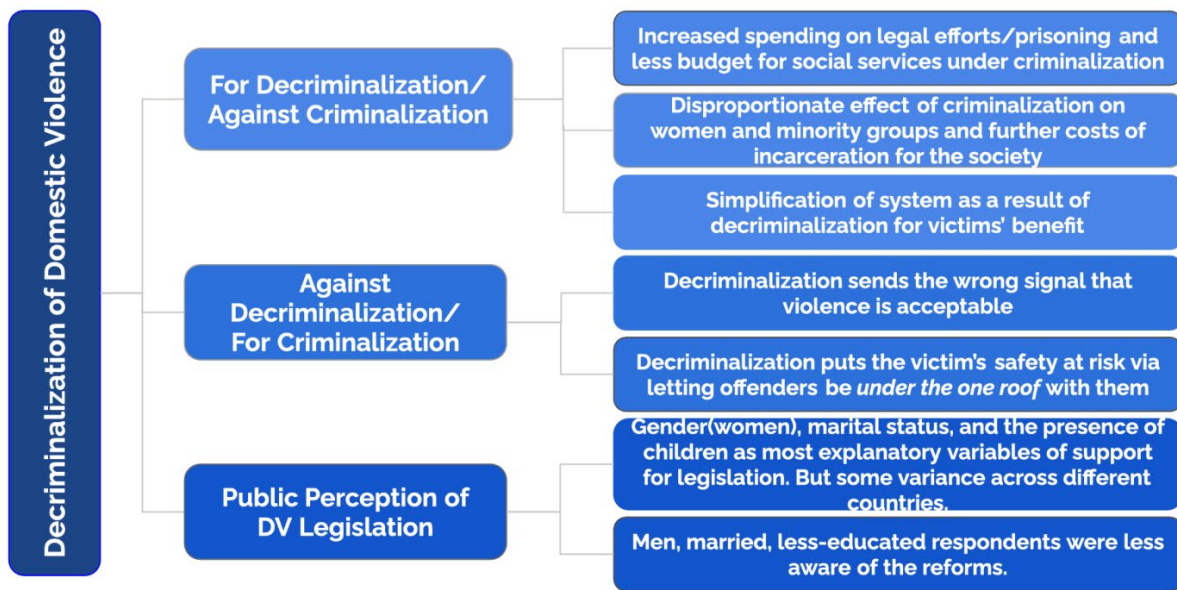
Figure 1. Conceptual Framework

Chapter 3. Methodology

3.1 Data

For the quantitative part of this study, a Google survey was created and the link was disseminated through various channels, including social media, various student and residential complexes' group chats and our acquaintances in Astana. A section was also included at the end of the survey asking those who filled in the survey to share it with other people they know and who also live in Astana. Apart from the online dissemination of the survey, a QR code was created and the printed QR code was stuck in different places in Astana, particularly among residential complexes. The survey was run over the period of four months, between September 2023 and January 2024. A total of 307 attempts were received, however, given that the survey only covered the city of Astana, the filter question right in the beginning of the survey closed it for those who were not residing in Astana. As such, a total of 256 responses were received from Astana residents. Following data cleaning, two more responses were dropped due to inaccuracies in responses, thus leaving us with a total of 254 responses. As for the qualitative part, a snowball sampling was used to find potential experts for the interviews, whereby 7 interviews were conducted with experts in the field. Our interviewees include 2 lawyers, 1 activist, 1 expert from shelters for victims, and 3 participants from NGOs that have expertise in the field of DV. Most of the interviews were conducted online

via Google Meet, with 2 being conducted in-person, which all lasted around 60 minutes, as assumed initially. One more interviewee sent recorded responses to our interview questions via WhatsApp. The interviews mainly focused on the perspective of the experts regarding the decriminalization of DV in Kazakhstan, its potential benefits and drawbacks, the effectiveness of the current laws and the steps that need to be taken to address DV.

3.2 Measures

In this study, the dependent variable is the perception of the respondents – whether DV should be criminalized or not. The responses were categorized as "Yes" or "No", thus making our dependent variable a binary variable with two categories.

Following the review of literature, the independent variables used in the study are the collected data on ethnicity, a variable with 5 categories (Kazakh, Uzbek, Russian, Ukrainian, Uygur, other); age (18-24, 25-34, 35-44, 45-54, 55+ years), gender (female, male, other, prefer not to say); education (no education, primary, secondary, higher); marital status (single, married, divorced, widowed), children aged 0 to 18 years old; employment status (unemployed, part-time, full-time, self-employed, prefer not to say) and income (with 10 categories taken from the website of the Bureau of Statistics of Kazakhstan as well as an option of prefer not to say) as our independent variables.

An additional question on whether the respondents knew if there was any legislation on DV in Kazakhstan or not (yes, no, don't know), basically testing their awareness, was included. As well, seven short descriptions of DV to which the survey respondents either agreed or disagreed were included, allowing us to get a general picture of the perceived DV among the public.

3.3 Analytical procedure

The quantitative analysis was performed in Stata version 17.0. The first stage of the analysis included the descriptive statistics which were obtained in terms of frequencies and percentages. Multicollinearity test was also performed, as it is the basic assumption and preliminary test of the logistic regression, which revealed that there was no multicollinearity issue with our variables and we could proceed to regression analysis. At the second stage of the analysis, i.e. the regression analysis, those observations that preferred not to state their responses for a few variables were

removed. As such, we were left with a total of 207 observations in the regression analysis. The variables were also recategorized into less detailed categories. Three regression models were run with varying combinations of the variables to compare and identify the best-fit model. For the qualitative part of the study, a thematic analysis was conducted to analyze the interviews and qualitative responses in the survey.

Chapter 4. Results

4.1 Public Opinion: factors

4.1.1 Descriptive Analysis

The quantitative part of this study includes a total of 254 survey respondents above the age of 18 years old. The detailed descriptive statistics of the respondents are presented in **Table 1.** The majority of the respondents, specifically 76.4%, were Kazakhs, 72.1% were aged between 18 and 24 years, 64.2% were female, and 80.3% of the respondents were single. The majority of the respondents, i.e. 72.4% had attained higher education and 28.4% of the respondents were unemployed. About 64.1% of the respondents earned up to 300.000 tenge per month, with only 21.2% earning more than that. However, 14.6% of the respondents preferred not to state their monthly income level. Almost 92% of the respondents did not have any children under the age of 5. Similarly, 93.3% of the respondents did not have any children aged between 6 and 18 years.

Table 1. Descriptive statistics of the survey sample (n=254)

Variables	n	%	Variables	n	%
Ethnicity			**Education**		
Kazakh	194	76.4%	Primary	5	2%
Uzbek	34	5.5%	Secondary	65	25.6%
Russian	10	3.9%	Higher	184	72.4%
Ukrainian	2	0.8%			
Other	14	13.4%			
Age			**Income**		
18-24	183	72.1%	Below	46	18.1%
25-34	55	21.7%	60.000	41	16.1%
35-44	12	4.7%	60.001-	48	18.9%
45-54	3	1.2%	105.000	28	11%
55+	1	0.4%		16	6.3%

			Income		
			105.001-210.000	16	6.3%
			210.001-300.000	9	3.5%
			300.001-420.000	4	1.6%
			420.001-600.000	9	3.5%
			600.001-750.000	37	14.6%
			750.001-900.000		
			Above 900.000		
			Prefer not to say		
Gender			**Employment**		
Female	163	64.2%	Unemployed	72	28.4%
Male	86	33.9%	Full-time	68	26.8%
Other	3	1.2%	Part-time	55	21.7%
Prefer not to say	2	0.8%	Self-employed	42	16.5%
			Prefer not to say	17	6.7%
Marital status					
Single	204	80.3%			
Married	44	17.3%			
Divorced	5	2%			
Widowed	1	0.4%			

Source: Authors' survey

As mentioned earlier, those observations that preferred not to state their response for a few variables, namely income, employment status and gender were removed for the purpose of conducting regression analysis, leaving us with a total of 207 observations. The variables were also recategorized into less detailed and fewer categories due to the very small number of observations in those certain detailed categories. **Table 2** shows the detailed descriptive statistics of the respondents used in the regression analysis.

Table 2. Descriptive statistics of the regression sample (n=207)

Variables	n	%	Variables	n	%
Ethnicity			**Education**		
Kazakh	159	76.8%	Primary	5	2.4%
Non-Kazakh	48	23.2%	Secondary	52	25.1%
			Higher	150	72.5%
Age			**Employment**		
18-24	147	71%	Unemployed	153	73.9%
25-34	48	23.2%	Employed	54	26.1%
35-44	9	4.4%			
45+	3	1.5%			
Gender			**Income**		
Female	163	64.2%	Low	126	60.9%
Male	86	33.9%	Middle	60	29%
			High	21	10.1%
Marital status			**Children**		
Married	35	16.9%	Yes	22	89.4%
Not married	172	83.1%	No	185	10.6%

Source: Authors' survey

Three models with varying combinations of variables were run to identify the best fit model. The first model included all of the variables from Table 2. In the second model, the variable on education was removed, and in the third model, the variable on income was removed. Following that, the Akaike Information Criterion (AIC) test was performed to determine which of the three models better fits the data. Hence, the second model, i.e. without the education variable, was found to be the best-fit model based on the AIC score out of the three, as shown in **Table 5** in the Appendix.

4.1.2 Regression Analysis

The functional form of the logistic regression model used in this study is as follows:

Pr(DV criminalization=1) = F(β_0 + β_1(Ethnicity) + β_2(Age) + β_3(Gender) + β_4(Marital status)
+ β_5(Employment) + β_6(Income) + β_7(Children<18)+ ε)

Table 3 shows the detailed results of the regression analysis. Age was found to be significantly associated with the respondents' opinion of the decriminalization of DV. Those in the higher age groups tend to have lower odds of favoring DV criminalization than those in the youngest age category of 18-24 years old. Specifically, the probability of those favoring DV criminalization in the age category 25-34 years decreases by 94.4% as compared to the youngest age category, i.e. 18-24 years, holding everything else constant. The probability of those aged 45 and above favoring DV criminalization decreases by 100% as compared to those in the youngest age category. Hence, older generations do not favor the criminalization of DV. Gender was also found to be significantly associated with the people's opinion of the criminalization of DV, particularly males having lower odds of favoring DV criminalization than females. Specifically, the probability of males favoring DV criminalization decreases by 99.1%, as compared to females, implying that males tend to not favor the criminalization of DV. Married people also demonstrated lower odds of favoring DV criminalization as compared to those who were not married. Particularly, the probability of married respondents favoring DV criminalization decreases by 96.9% compared to those who are not married, implying that married people are less likely to favor DV criminalization. Lastly, those who had children between the ages of 0-18 years old had lower odds of favoring DV criminalization than those who did not have any children. Specifically, the probability of those with children favoring DV criminalization decreases by 99.1%, as compared to those who do not have any children, meaning that those who had children did not favor DV criminalization.

Ethnicity, employment status, and income were not found to have any significant association with the respondents' opinion of whether DV should be criminalized or not.

Table 3. Odds ratio analysis between socio-demographic factors and support for criminalization of DV

Variables	Criminalization of DV
Ethnicity (Kazakh)	
Non-Kazakh	7.557 (0.405 , 140.906)
Age (18-24)	

25-34	0.056*
	(0.003 , 0.961)
35-44	0.284
	(0.004 , 22.504)
45+	0.00008**
	(1.66e-07 , 0.037)

Gender (Female)

Male	0.009**
	(0.0003 , 0.232)

Marital status (Not married)

Married	0.031*
	(0.001 , 0.761)

Employment (Unemployed)

Employed	0.205
	(0.027 , 1.526)

Income (High)

Low	0.398
	(0.026 , 6.203)
Middle	1.264
	(0.103 , 15.515)

Children (No)

Yes	0.009*
	(0.0002 , 0.361)

95% confidence intervals in the brackets are presented. $. \; p < 0.1, \; * \; p < 0.05, \; ** \; p < 0.01, \; *** \; p < 0.001$.

Source: Authors' survey

Following the regression analysis, the model specification test - link test was conducted, which showed that the model has been correctly specified and that there are no other important variables omitted or extra variables added to the model, as shown in **Table 6** in the Appendix.

4.1.3 DV Legislation Awareness

A question on awareness about the existence of legislation on DV in Kazakhstan was also included in the survey, revealing that 47.2% of the respondents do not know if any legislation on DV exists or not, and 33.5% stated that there is not any legislation on DV in the country. Regardless of whether the respondents know if legislation exists in the country or not, they still support that DV should be criminalized, as shown in **Table 4**.

Table 4. Pivot table on the count of DV legislation and criminalization

	Count of DV Criminalization		
Count of DV Legislation	0 (Shouldn't be criminalized)	1 (Should be criminalized)	Grand Total
Don't know	6	114	120
No	2	83	85
Yes	6	43	49
Grand Total	**14**	**240**	**254**

Source: Authors' survey

4.2 Perceptions of Experts and Public

4.2.1 Definition of DV and Decriminalization

Our survey also included a question containing short descriptions of DV situations, provided by the UN, to which the respondents either agreed or disagreed, allowing us to get more information on their perceived DV. The short descriptions captured all forms of DV: sexual, emotional, and physical violence, and as it can be seen from **Figure 2**, the majority of our survey respondents agree with the given descriptions of DV.
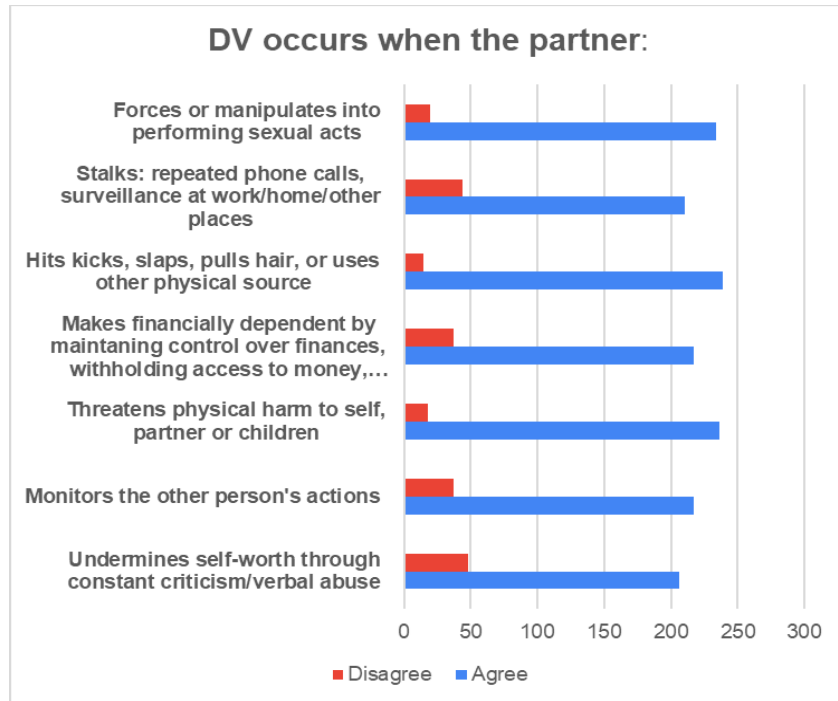
Figure 2. Perceived DV by the respondents
Source: Authors' survey

The majority of survey and interview participants refer to physical and sexual DV more than to other types and they believe that DV should be treated as a crime as any other violent crime since in both situations there is harm to another individual.

With regard to decriminalization, most of the interviewees highlighted that despite DV being formally criminalized before 2017, it actually wasn't truly practiced since little help was provided to the DV survivors and it was hardly possible for those survivors to bring the case to the court. The criminal code did not provide for punishment in the form of imprisonment and the issues of constructing detention houses were not thought through as one of the experts' claims. However, one of our interviewees believes that the decriminalization of DV that came into force in 2017 cannot be called decriminalization, rather it was a mere reduction in punishment. The transfer from the criminal code to an administrative offense still entails some form of punishment, albeit of a lesser severity, which means that DV still remains criminalized as the expert explains.

4.2.2 Advantages and disadvantages of decriminalization

During the interviews, the experts did not state the advantages of decriminalization clearly but rather explained the factors that influenced the government's decision to decriminalize DV, which

we could interpret as some advantages. One such factor highlighted was the government's goal to humanize the law via decriminalization such that it allows for the reconciliation of the two parties and allows for preventive measures, which was impossible during the criminalization as it excluded the possibility of reconciliation for the two sides.

Concerning the disadvantages of decriminalization, the research results highlight the absence of adequate punishment and protective tools for victims as key drawbacks. More precisely, many experts and survey participants argue that decriminalization sends the wrong signal to society and aggressors since the lack of adequate punishment unleashes the hands of the aggressors and they do not face the real consequences/punishment for their actions. Administrative punishment does not keep the aggressors accountable for their actions. This type of administrative punishment that may result in a maximum arrest for around 15 days cannot be a solution to the problem and can sometimes be even dangerous, since these aggressors will later return home and may retaliate/repeat the acts of violence, posing even more threat.

The majority of the survey respondents were also not supportive of decriminalization for various reasons, mainly because it does not ensure the safety of victims and results in impunity which breeds violence. Some were critical of the current legislation arguing that *"in many cases, the approach of local authorities plays against the interests of victims of abuse."* Some criticized the fines that were paid from the shared family budget and also criticized short-term imprisonment that can result in repeated acts of violence. Here are some sample responses: *"15 days of arrest and a fine are not effective deterrents, since these sanctions do not prevent the repetition of such actions on their part in the future;" "The abuser can be imprisoned for 15 days, get out, return home even angrier and continue DV."* Some people claim that the punishment for DV is not serious enough in Kazakhstan and thus, leads to the issue of impunity. As one of the respondents noted, in Kazakhstan *"the punishment for stealing a horse is harsher than for killing a wife."* Another issue that was raised by many respondents is that DV tends to be perceived as a family matter among the police who tend to be reluctant to help the victims.

4.2.3 Advantages and disadvantages of criminalization

The issue with the criminalization of DV specifically in Kazakhstan is that it was not practiced and did not provide the survivors with the necessary tools and resources to protect themselves and

seek justice despite the fact that the criminalization entails the provision of these resources to the survivors. As mentioned earlier, an imprisoned aggressor will often be subject to violence in prison and after the release, this humiliated and insulted aggressor may continue to pose a more significant danger to society. Thus, there are potentially more risks associated with the imprisonment of aggressors. Moreover, under the criminalization, victims faced challenges with collecting evidence themselves such as being placed in a medical facility for 3 weeks. However, most of the victims first show the reluctance to spend 3 weeks in the hospital due to family and job-related circumstances. The issue lies in the absence of timeliness and simplicity of procedures for the victims to report the case, receive feedback, and ensure the punishment and impossibility of impunity for DV. Another disadvantage of criminalization could be the economic costs to the government. One of the interviewed experts highlighted that because the level of DV is high in Kazakhstan, incarceration of all aggressors would be difficult for the government. Particularly, the provision of food and other necessities for such a high number of prisoners is too costly for the government at the expense of taxpayers.

Most of the survey participants argued for the criminalization of DV for different reasons mainly due to the increasing scale of the DV issue and the absence of mechanisms to cope with it, to ensure the absence of impunity, and to decrease the number of DV cases and mitigate its negative effects on society. One of the most frequent responses was the concern about basic human rights. Here is a sample response *"No one has the power and authority to hurt other people"* and *"If such takes place, then it should be punished seriously."* Another popular explanation was that criminalization can send a proper signal to society and as highlighted by one of the respondents, criminalization should be in place *"so that every person understands how serious this is and to protect society as a whole from such people."* Some of the survey participants also support the criminalization to eliminate the possibility of impunity because *"many criminals have remained unpunished or punished but not harshly enough for many years, thus creating a trend in which people continue to use violence (verbal, physical, moral) with the expectation of remaining unpunished."* Another explanation was that *"administrative punishment is forgotten and the violence continues"* and thus, *"imprisonment is necessary."* Another reason lies in the implications of a single DV case. One respondent explains it in the following way: *"domestic violence affects not only the participants but also the witnesses. This is trauma that affects people's psyche and can cause subsequent acts of violence"* and which *"will affect society as a whole."* In addition,

many respondents were concerned about the effect on children in the family. Here is a sample response "*criminal liability should be especially applied in families where there are children*" and "*isolating dangerous people will reduce the risk of negative influence on children.*"

Despite most of the survey participants arguing for the criminalization of DV, some argued against it. One respondent argued against the criminalization with the following reasoning "*A woman should know her place.*" Some others believe that DV should not be criminalized since "*husband and wife must figure it out themselves.*" Some believe that it will lead to the escalation of the issue since "*a woman (financially) supported by her husband will be in a more deplorable state*" and "*victims will begin to receive pressure from relatives.*" One of the survey participants argued against DV criminalization claiming that "*preventative measures are more effective.*" Another participant also highlighted that "*it is worth trying to work on correcting such people*" and that "*such people can still be corrected.*"

4.2.4 Criminalization is necessary but not a sufficient measure

Our research shows that DV should be criminalized according to both interviewees and survey participants. The prevalent reasons for it to be criminalized are related to the fact that experts consider that any harm to the human body is a crime and also DV violates basic human rights. This view is supported by the general public that we surveyed and many of them mention that DV is ruining the lives of victims, especially the mental well-being of child witnesses. They advocate criminalization because they believe that current administrative punishments are not effective and forgotten quickly and thus, acts of DV are increasing and repeating, resulting in the death of 400 Kazakhstani women each year (UN News, 2023).

However, it was clear during our interviews that a legal approach/solution is not enough. All interviewees agree on the point that there should be a multifaceted approach to the issue of DV. They argue that the presence of the article in the Criminal Code will not solve it because first of all there is no specific governmental body responsible for managing the issue of DV and also victims face numerous problems including the unwillingness of police to register their case and instead encouraging them to drop their complaints and reconcile with abusers, as well as victim-blaming attitudes in the society. Concerning victim blaming, there is a clear example because we had several male survey participants who wrote that women themselves bring men to the situation

where abusers lose control or who think women should *"know their place"*. Hence, such complex issues like DV should be approached from socioeconomic, ideological, and cultural aspects too.

Most of our interviewees supported the presence and influence of deeply rooted patriarchal traditions and gender inequality in society and that this breeds aggression and anxiety in society. To solve the problem of DV, experts believe that society must fully understand the existence and consequences of the problem and jointly take action. Another issue is that the community can provide support for violence and perpetuation, and this has to be considered while deciding to decriminalize DV as argued by Goodmark, 2021. The concern is that the patriarchal society can embrace the cult of violence in society. Thus, it is important to increase the involvement and active participation of the political and social elite that has influence in society that can create a cult of respect and tolerance instead. As suggested by the experts, it is important to create a culture of zero tolerance for DV. More efforts should be put towards changing and eradicating social stigmas and stereotypes in society. The experts suggest that the changes can also be legislative (strengthening women's rights) and informational campaigns about gender education (in schools and universities). Some of the survey participants suggest *"introducing a subject at school where it will be explained that it is not normal to use violence against each other"* and similarly *"at the registry office, before issuing a marriage certificate, giving spouses a reminder or showing a video lesson about what is acceptable and what is not in marriage."*

It is crucial to fight against gender-based discrimination, fight against prejudice regarding women and their role in the family and society, improve the position of women both socially and economically, and positively change the attitude towards them in society and the family. Changing the deeply-rooted patriarchal norms and dealing with the issues of gender inequality is also an essential part of the solution. One of the experts also mentioned the prevalence of the cult of strength and rudeness in society (swearing on the street, hierarchy in educational institutions, and government bodies). These societal-level issues also have to be dealt with carefully. As one of the experts highlighted, even jokes about violence that may seem harmless at first may soon become systematized and turn into a social norm.

It is also important not to focus too much on the severity of punishment, but it is even more important not to allow any form of impunity for DV. One of our experts highlighted that for the victim, the severity of punishment is not as important as ensuring that impunity does not take place.

It is essential to ensure the timeliness and simplicity of procedures and that they do not allow impunity so that survivors of domestic abuse can have immediate and straightforward access to protection.

The state has to invest in creating and financing shelters, crisis centers, and service provider organizations. The state also needs to promote developing training on DV prevention and communication with the survivors. The programs should be aimed at retraining medical workers so that they record cases of DV in patients and respond to them. The target also has to include law enforcement officials, police, patrol officers, and local police officers to ensure rapid and effective response by the police.

Increasing the level of legal culture in society is also expected to help to prevent the problem. This may include providing legal knowledge, constant propaganda through the media and social networks, and most importantly, providing educational ideology for the development of legal culture from school age. It is expected to help individuals learn about their constitutional rights and enable them to protect those rights and make sure that they are not violated by another party.

One of the last suggestions was strengthening the collection of statistics and data disaggregation on cases of DV to make future deliberate decisions. At least two of our interviewees believe that the official statistics do not reflect the real scale of the problem and the number of DV cases. According to one of the experts who suggested this, the availability of such data could help the decision-makers in these fields to make deliberate and evidence-based decisions.

Chapter 5. Discussion

Elder respondents were less likely to favor DV criminalization, possibly due to the social norms of society, whereas younger respondents, probably as a result of globalization, were more supportive. The finding that those in the older age categories were less likely to support and favor DV criminalization as compared to the younger generation, i.e. 18-24 years old, is the opposite of the findings of the study conducted by Robinson (1999) in Alabama, who found that older respondents were more likely to favor pro-arrest policies. In the context of Kazakhstan, this may be attributed to the culture and social norms of the society, given that it has been a traditional patriarchal society where men are viewed as the main decision-makers within the families and the

role of women is primarily viewed as taking care of the family and the house. Many may adhere to the traditional views that a woman should not oppose her husband and rather obey. However, over the past decades, as a result of globalization, younger generations are getting more exposed to the Western world and viewpoints, thereby making them less likely to hold on to the traditional norms and values that had long prevailed among the elder generation. As a result of this exposure, they might have become better aware of their human rights, thus becoming more supportive that any form of DV is unacceptable and should entail legal punishment.

Males were less likely to support the criminalization of DV than women, given that it is most often men who commit it. Consistent with the findings of Robinson (1999) and Perrotta (2022), and in contrast with Yick (2000) who did not find any significant relationship between genders, males were found to be less likely to support the criminalization of DV, which is logical given that statistically, it is primarily women who become the victims of domestic abuse by their husbands and who report and file cases of DV. Whereas men are the ones who tend to be more likely to commit DV. Given that, they would be less likely to favor the criminalization of DV which would make them liable for their actions.

Married people may be less likely to support the criminalization of DV due to judgments from society. The finding that married respondents were less likely to support DV criminalization than unmarried respondents is consistent with the findings of Perrotta (2022) in Russia. This could be because married people may already have some personal experience of DV within their households, thus making them less likely to favor criminalization which would entail legal consequences for their actions within their families. Also, some may be afraid of judgments from the society that idealizes privacy within the families, thereby making them lose face in case their spouse becomes jailed due to an internal conflict.

Those with children were less likely to support the criminalization of DV, possibly due to the fear of losing a breadwinner. This finding is consistent with the findings of the study in Ukraine by Perrotta (2022). This could be explained by the fact that criminalization would deprive the family of a breadwinner, specifically in the context of Kazakhstan, where men are considered to be the main breadwinners within the family whereas women are more responsible for household chores and raising children. As well, people tend to stick to the opinion that children need a full-

fledged family for their mental well-being, so they would be less likely to favor the criminalization of DV which would result in the legal prosecution of the father (nearly all cases) of their children.

The criminalization of DV can be a right signal to society while the decriminalization of DV can send confused messages to society. Our research findings suggest that the criminalization of DV sends the right signal to society, emphasizing intolerance towards abuse and violence which comes in alignment with the perspective of Goodmark (2017). At the same time, the decriminalization of DV can send a confused signal such as perceiving DV as an acceptable social norm which was also highlighted by Semukhina (2020). After the decriminalization of DV in Kazakhstan, the number of DV cases increased as also argued by Rakhmetov (2020), Muravyeva (2021), and Rakhimberdin and Geta (2021). Usanova's (2020) view on the vital role of patriarchal beliefs of the political leadership in decriminalizing DV in the Russian Federation resonates with the findings from the experts in Kazakhstan. It can be argued that some government officials, instead of providing victims with legal tools to protect their rights, could have searched for easy paths to deal with the issue and have done it through the patriarchal lobby. The decriminalization can be considered a 'step backward' as it was already mentioned by Apostu (2019). While there is an overall agreement that decriminalization can be characterized as a 'step backward', according to the experts, the situation with DV in Kazakhstan was not significantly better before the decriminalization. It is widely believed that the criminalization was formally in place, yet it did not serve its function of ensuring the provision of justice, protection mechanisms, and communication and response tools for violence survivors.

One of the main issues related to the decriminalization of DV is victims' unwillingness to report the violence cases and bring them to court due to the unresponsive behavior of police, the criminal justice system, and the general public. The findings on the relationship between the DV legislation and the criminal code resonate with the theoretical propositions proposed by Douglas and Godden (2013) and Goodmark (2021). DV survivors tend to not pursue criminal matters because of the lack of legal knowledge and due to the police's unwillingness to help them since the police as well as the society tend to perceive DV as a private "family" issue and encourage them to reconcile. This can specifically be widely observed in Muslim societies as mentioned by Goodmark (2021) and supported by our research outcomes as mentioned earlier.

The possibility of reconciliation under the decriminalization of DV can lead to negative implications such as disempowering victims who might be subject to repeated acts of violence by their abusers. Initially, the reconciliation possibility could have been thought to simplify the system and working process for the criminal justice workers dealing with the case of DV which was also found in Semukhina's (2020) study. The government's initial goal of decriminalizing DV could have been to humanize the law and allow for reconciliation. Our findings suggest that the absence of the appropriate prosecution policies might disempower survivors since it might result in the retaliation of the abusers against the survivors and lead to repeated acts of violence. This closely aligns with the views of Danis (2003), Goodmark (2017), Semukhina (2020), and (Milenkaya, 2022). Under decriminalization, the government collected administrative fines paid by the aggressors also negatively affects the violence survivors since the fine was being paid by the shared family budget as also mentioned by Semukhina (2020) and Chebotareva (2022). The imprisonment of an aggressor may also entail a potentially greater risk that this aggressor, upon release, may pose an even greater threat to the survivor and society as explained by the experts. The administrative punishments and reminders do not restrain the abuses from continuing to abuse their partners and/or children as it was also suggested by Milenkaya (2022). The experts explain that this non-binding administrative punishment and mere reminders might entail the following implications. Some survivors may try to collect proof of their physical/mental condition as well as of their partner's repeated abusive behavior to bring the next case to court, but these victims may, unfortunately, not survive the next time being abused. For example, victims are required to provide medical proof that they have spent 3 weeks in the hospital due to the act of abuse, yet the case is that most of the victims even with serious injuries tend to be reluctant to spend 21 days in the hospital since they realize that they have household chores and other obligations at home as a mother, for instance as Mikhailidi et al. (2021) argue. Bochkareva's (2017) concern about late consideration of criminal punishment (only after providing proof) was also brought into discussion in our interviews. Survivors collecting the proof may not survive the next act of violence.

The solution to the issue of DV does not simply lie in dealing with the legal aspects, but it also requires socio-economic and ideological changes. Our research revealed an additional alignment with Douglas and Godden (2013), highlighting the insufficiency of criminal law as a sole solution to the issue of DV and that there is a need for public accounting of the issue. The criminalization of DV can be thought of as a success, but the issues of gender inequality remain unsolved which

also aligns with the findings of Abraham and Tastsoglou (2016). The issue lies in the prevalence of the economic, social, and political barriers to the survivors which limits their access to the justice system. Women in rural areas tend to be underprivileged since they know little about their constitutional rights to protect themselves. Some women are financially dependent on their partners and thus, these women do not have independent and enough resources to seek criminal justice. Our research has revealed that one of the most crucial implications of the decriminalization of DV is the issue of impunity as also mentioned by Viklyuk (2022) and Zhapisheva (2020). This goes against the finding of Voroshilova and Muzykankina (2019) who believe that the decriminalization of DV contributed to the simplification of the system and thus, kept the aggressors responsible for their behavior. Solving the issue of impunity under decriminalization is crucial and it was mentioned in earlier studies (Viklyuk, 2022; Zhapisheva, 2020). This was also brought to the attention of the interviewees who claim that the survivors have to be provided with well-functioning mechanisms to report the abuse, receive protection, and seek justice. Along with ensuring an effective criminal justice system, there is a need to change and eradicate social stigmas and stereotypes such as perceiving DV as a family matter and victim-blaming attitudes as suggested by Davtyan (2021) and Policastro et al. (2013). It is also essential to run educational campaigns about human rights, and gender equality, promote zero tolerance for violence, and improve the data collection on DV and making data-driven decisions.

Decriminalization may have simplified the work of law enforcement officials, but it left the voices of victims unheard. Some works in the literature including Voroshilova and Muzykankina (2019) claim that decriminalization helped to simplify the system and keep the guilty responsible for an act. However, the experts we interviewed claim that decriminalization could have simplified the system, but it did not help to keep the aggressor responsible for his act, rather it was left unpunished. The interviewees agree that the full responsibility was transmitted to law enforcement officials as mentioned by Voroshilova and Muzykankina (2019), but the unwillingness of police officers to file the case resulted in more cases being unheard and aggressors escaping adequate punishment. For a similar reason, our findings do not align with what Semukhina (2020) argues in her paper that for criminal justice workers, decriminalization makes their job easier because they do not have to deal with victims who reconcile with partners and thereby wasting the police and judges' time. In our case, our experts (although not criminal justice workers) claimed that it is not

the victims who voluntarily change their minds, but police officers trying to convince them that they should reconcile soon and take back their complaints.

Some of the studies in the field of DV are case-specific, meaning that it is hard to make relevant comparisons with Kazakhstan's situation. For example, Goodmark (2021) argues that criminalization led to high levels of incarceration in the US, and because the same level of criminalization or genuine criminalization was not practiced in Kazakhstan so far we could not find any comparable evidence in our context. But one of our findings was that some experts claim that incarceration will be too costly for the government and a burden on taxpayers, and this is consistent with what Goodmark (2021) claimed about sending high numbers of aggressors to jail.

Last but not least, the findings of our research make an important contribution to the literature about DV in Kazakhstan that is not found in previous works. This important finding is the fact that Kazakhstan's experts in the DV field argue that the situation after decriminalization cannot be compared with criminalization before 2017 in terms of effectiveness because criminalization until 2017 was not genuinely exercised. However, this did not prevent them from arguing for criminalization because they believe that any act violating fundamental human rights is a crime that should be strictly regulated by law.

Chapter 6. Conclusion

6.1 Research Summary

To conclude, this study focused on the decriminalization of DV in Kazakhstan, specifically looking at public opinion and the perspective of non-governmental actors. As for the public opinion, the findings revealed that younger respondents, females, not married and without any children were more likely to support the criminalization of DV. Whereas older respondents, males, married and those having children were less likely to support the criminalization of DV in Kazakhstan. With respect to the expert's perception, all of our interviewees argue for the criminalization of DV in Kazakhstan, although they claim that a legal approach alone cannot make huge improvements. The findings indicate the need for a multi-faceted approach that would address DV from a social aspect and develop zero tolerance in society towards DV and gender discrimination.

6.2 Limitations

The limitations of this study are the following: firstly, the cross-sectional design of the quantitative part of our research does not allow us to establish causation, as it only reveals the correlation between our variables of interest. Budget and time constraints also did not allow us to conduct a nationwide survey on people's perceptions of the issue and thus we focus only on Astana residents and have a smaller sample size. Self-selection bias is another limitation of our study, given that the participants self-selected themselves to participate in the survey. Furthermore, it was challenging to access some of the state actors and key experts in the area of DV for our qualitative part which entails semi-structured interviews, as they were hard to approach and did not have time to participate in our study.

6.3 Recommendations

As the findings of this research indicate, the issue of DV is a complex one that needs to be addressed from different angles, including the legal aspect. Thus, various stakeholders should come together and collaborate closely in order to deal better with this type of multifaceted problem. Key actors including the state, non-governmental organizations, educational institutions, and social/political leaders each can and are encouraged to make specific contributions on their side and/or in collaboration with each other so that a multilateral response to the issue of DV is realized. The recommendations provided below are produced based on the interviewed experts' responses and on the best practices for preventing DV around the world.

Increasing awareness about DV and developing zero tolerance. As it was mentioned in the findings section, it is crucial to change the social understanding of DV so that people stop seeing it as a norm and minimize victim blaming. Thus, one of the important recommendations of the research is the urge for the organization of widespread public educational/informational campaigns to increase awareness of the issue among Kazakhstani people. To fulfill this goal, both government and non-governmental sectors should collaborate closely, where the former could give different incentives for the NGOs and assist them to implement their creative initiatives to a wider scale and also by financing such initiatives. For example, Kazakhstan could learn from two successful experiences: Austrian traveling exhibition and Croatian ('Silence is not golden') national campaign. More precisely, Kazakhstani NGOs could adapt Austrian initiative where NGOs came together and organized traveling exhibitions in 29 different locations in Austria where they

displayed a stand similar to the interior of an apartment to tell the story of DV (Preventing DV - Good Practices, 2015). The goal was to touch the emotions of visitors together with conveying the causes of DV, what are the laws that protect victims and how they can reach help in such cases. At the same time Kazakhstan could increase civic engagement looking at the Croatian campaign (2007-2008), when they launched a multimedia campaign in collaboration with schools (Preventing DV - Good Practices, 2015). The campaign basically involved different platforms including television, leaflets, billboards, and ads to increase knowledge about gender-based violence. Moreover, schoolteachers were trained and then they involved their pupils too to produce creative films, newspaper articles, radio shows, etc. related to the topic. The project was indeed fruitful because 31% of participating students showed an interest to become part of organizations assisting victims of such incidents (p.35). Since Kazakhstan's struggle with DV is partly related to poor knowledge of the issue and patriarchal norms, the abovementioned programs would be very relevant both to improve awareness and also to encourage active public involvement.

Next, a specific governmental body and training programs/conferences are needed to make timely and effective responses in dealing with DV cases. Our findings highlight the lack of cooperation between different agencies and professionals that encounter DV cases and that there is no specific state agency that would monitor/regulate the works of such organizations. Thus, firstly, such a body is needed to both increase the exchange of information among agencies and also to help them technically and financially. At the same time, professional awareness of social workers should be increased so that they are more careful in their work with survivors/victims. In this regard, Kazakhstan has a lot to learn from MARACs (The multi-agency risk assessment conferences) with the help of which the UK decreased repeated abuse by 60% (Preventing DV - Good Practices, 2015). Shortly, this conference brings local agencies together to make systematic risk assessment where they (police, probation service, health and housing services as well as a range of other adult and child-focused services) exchange information and ideas about the cases of serious concern, more than 56000 annually (p.68). Similar project would enable better analysis and prevent further escalation of circumstances for victims and perhaps reduce current death numbers (400 annually) in Kazakhstan. Apart from that, such a project could help to make better statistics about the real situation since it would require better data recording among both police officers and health workers at their workplace.

The given recommendations have a higher chance of success given that the state will bring specific laws and strong legal regulations about DV into force. Clear legal regulations should exist and be exercised genuinely so that it would send the right signal to both victims and perpetrators. The former should know that they are protected and can rely on the justice system while the latter should also feel the real consequences of their actions without doubt.

In addition, all types of influencers are encouraged to be cautious about conveying messages in public both online and offline in sexist/discriminative language and at the same time be active to promote responsible expressions. This is relevant for the traditional media and filmmakers too: they should be deliberate in displaying any programs or films that may present abusive behavior as a normal/acceptable one.

Lastly, more research on the issue of domestic violence, especially in-depth studies about possible effective measures (partially offered in this paper) in Kazakhstan's context would make an important contribution to the existing literature. Moreover, further research on a national level would make it more representative, especially after a certain time period when the final decision on the new bill about criminalization will be taken.

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Appendix

Table 5. AIC comparison for best fit model

Model	N	ll(null)	ll(model)	df	AIC	BIC
1. All variables	202	-45.5166	-26.5915	12	77.18291	116.8821
2. Education excluded	207	-45.819	-26.6259	11	75.25183	111.9117
3. Income excluded	202	-45.5166	-27.0138	10	74.02753	107.1102

Source: Authors' survey

Table 6. Link Test

DV_Criminalization	Coefficient	Std. err.	z	P > |z|	[95% conf. interval]	
_hat	1.568552	.5040533	3.11	0.002	.5806258	2.556478
_hatsq	-.0919767	.0521893	-1.76	0.078	-.1942659	.0103124
_cons	-.4787356	.6724593	-0.71	0.477	-1.796732	.8392604

Source: Authors' survey

Table 7. Correlation Table

Variable	VIF	SQRT VIF	Tolerance	R-squared
Ethnicity	1.12	1.06	0.8951	0.1049
Age	1.78	1.33	0.563	0.437
Gender	1.07	1.04	0.9326	0.0674
Marital status	1.74	1.32	0.5737	0.4263
Employment	1.16	1.08	0.8627	0.1373
Income	1.07	1.04	0.9305	0.0695
Children	1.73	1.31	0.5795	0.4205

Source: Authors' survey