

LAW OF THE REPUBLIC OF KAZAKHSTAN

On prevention of domestic violence of December 4, 2009 No. 214-IV ZRK

(amended as of 12-07-2018)

This Law determines legal, economic, social and organizational basis of activities of state bodies, local government bodies, organizations and citizens of the Republic of Kazakhstan for prevention of domestic violence.

Chapter 1. General provisions

Article 1. The basic concepts used in this Law

In this Law the following basic concepts are used:

1) injured - physical person concerning which there are bases to believe that to it directly domestic violence causes moral, physical and (or) property harm;

1-1) organizations for assistance - the legal entities performing provision injured special social services and (or) the help according to this Law;

2) the family and household relations - the relations between the spouses who were the spouses, persons living or living jointly, the close relatives, persons having general child(children);

3) domestic violence - the intentional illegal act (action or failure to act) of one person in the sphere of the family and household relations concerning another (others) causing or containing threat of causing physical and (or) mental suffering;

4) prevention of domestic violence - complex of the legal, economic, social and organizational measures performed by subjects of prevention of domestic violence, directed to protection of constitutional rights, freedoms and legitimate interests of man and citizen in the sphere of the family and household relations, the prevention and suppression of domestic violence and also on identification and elimination of the reasons and conditions promoting their making;

5) subjects of prevention of domestic violence - the state bodies, local government bodies, the organizations and citizens of the Republic of Kazakhstan performing prevention of domestic violence.

Article 2. Legislation of the Republic of Kazakhstan on prevention of domestic violence

1. The legislation of the Republic of Kazakhstan on prevention of domestic violence is based on [the Constitution](#) of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If the international treaty ratified by the Republic of Kazakhstan establishes other rules, than those which contain in this Law then are applied rules of the international treaty.

Article 3. Principles of prevention of domestic violence

Prevention of domestic violence is based on the principles:

1) legality;

2) guaranteeing observance of the rights, freedoms and legitimate interests of man and citizen;

3) inadmissibility of causing to man and citizen of physical and (or) mental suffering;

4) supports and preserving family;

5) confidentiality;

6) individual approach to each man and citizen, being in difficult life situation;

- 7) priority of preventive measures of prevention of domestic violence over repressive;
- 8) complexity and systemacity.

Article 4. Types of domestic violence

1. Domestic violence can be expressed as physical, psychological, sexual and (or) economic abuse.
2. Physical abuse - intentional damnification to health by use of physical force and causing physical pain.
3. Psychological violence - intentional impact on mentality of the person, humiliation of honor and advantage by means of threats, insults, blackmail or coercion (compulsion) to making of the offenses or acts posing hazard to life or health, and also leading to violation of mental, physical and personal development.
4. Sexual violence - the intentional illegal action encroaching on sexual integrity or sexual human freedom, and also actions of sexual nature in relation to minors.
5. Economic violence - intentional deprivation of the person of housing, food, clothes, property, means to which he has the right provided by the law.

Article 5. Special social services

1. Special social services are provided to the victim recognized in the procedure established by the legislation as person which is in difficult life situation.
2. Special social services include the guaranteed amount of special social services and paid special social services.
3. Provision of the guaranteed and additional amount of the special social services provided over the guaranteed amount is performed based on the decision of local executive bodies of areas, cities of regional value.
4. Standards of rendering special social services, procedure for their provision, the right and obligation of person (family) which is in difficult life situation are determined by the legislation of the Republic of Kazakhstan on special social services.

Chapter 2. Subjects of prevention of domestic violence

Article 6. Competence of the Government of the Republic of Kazakhstan

Government of the Republic of Kazakhstan:

- 1) develops the main directions of state policy in the field of prevention of domestic violence;
- 2) *the subitem 2) of Article 6 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*
- 3) provides interaction of subjects of prevention of domestic violence and coordination of their activities;
- 4) performs other powers provided [by the Constitution](#), the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 7. Competence of local representative and executive bodies

1. Local representative bodies:

- 1) *the subitem 1) of Item 1 of Article 7 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*
- 2) are approved and control execution of local budgets regarding expenses on prevention of domestic violence;
- 3) promote execution by citizens and the organizations of regulations of this Law.

2. Local executive bodies:

- 1) *the subitem 1) of Item 2 of Article 7 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*
- 2) provide interaction of subjects of prevention of domestic violence at the local level;
- 3) is created by the organizations for assistance and provide their functioning;

- 4) are revealed and record the minors which were affected by domestic violence, and dysfunctional families;
- 5) will organize provision of special social services by the victim according to the procedure, established by the legislation of the Republic of Kazakhstan on special social services.

Article 8. Commissions on cases of women and family population policy

Commissions on cases of women and family population policy:

- 1) interact with subjects of prevention of domestic violence concerning prevention of domestic violence;
- 2) make offers in local executive bodies on acceptance of the organizational practical measures directed to prevention of domestic violence;
- 3) together with the organizations for assistance will be organized and hold events for prevention of domestic violence and rehabilitation of the victims.

Article 9. Competence of the commissions on cases of minors and protection of their rights

Commissions on cases of minors and protection of their rights:

- 1) interact with subjects of prevention of domestic violence concerning prevention of domestic violence among minors;
- 2) *the subitem 2) of Article 9 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*
- 3) make offers in local executive bodies on acceptance of the organizational practical measures directed to prevention of domestic violence among minors;
- 4) together with the organizations for assistance will be organized and hold events for prevention of domestic violence and rehabilitation of the minors which were affected by domestic violence.

Article 10. Competence of law-enforcement bodies

Law-enforcement bodies:

- 1) *the subitem 1) of Article 10 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*
- 2) participate in project development of regulatory legal acts in the field of prevention of domestic violence;
- 3) is performed by measures for prevention of domestic violence;
- 4) reveal the parents or persons replacing them, not performing or inadequate image of the acting as on education of the children making illegal actions in their relation;
- 5) keep preventive account and exercise preventive control;
- 6) also messages on the facts of domestic violence or on threat of their making with departure into place consider applications and take measures for their suppression;
- 7) at the request of the victims send them to the organizations for assistance or the organization of health care;
- 8) have preventive talk;
- 9) make delivery of person who committed domestic violence in law-enforcement bodies;
- 10) take out the protective instruction;
- 11) petition before the prosecutor for making the sanction for prolongation of effective period of the protective instruction;
- 12) make administrative detention;
- 13) petition before court for establishment of special requirements to behavior of person who committed domestic violence;
- 14) is performed by criminal prosecution, production on cases on administrative offenses;
- 15) is applied by measures of criminal procedure coercion;

- 16) is applied by criminal legal measures of safety of the victim;
- 17) provide the organization of special training courses for prevention of domestic violence for the staff of law-enforcement bodies;
- 18) *No. 159-V ZRK is excluded according to the Law of the Republic of Kazakhstan of 13.01.2014*

Article 11. Competence of authorized body of the field of education

Authorized body in the field of education:

- 1) *No. 175-V ZRK is excluded according to the Law of the Republic of Kazakhstan of 18.02.2014*
- 2) is provided by conducting monitoring and carrying out requirements analysis of the students and pupils who underwent to domestic violence in provision of special social services according to standards of rendering special social services;
- 3) participates in development of regulatory legal acts in the field of prevention of domestic violence;
- Develops 4) and implements in the practice of work of the organizations of formation of the program and technique directed to forming of law-abiding behavior of students and pupils of the organizations of education.

Article 12. Competence of authorized body in health care and social development

Authorized body in the field of health care and social development:

- Develops 1) and implements methodical recommendations about rendering medical and psychological assistance by the victim in practice of work of the organizations of health care;
- 2) participates in project development of regulatory legal acts in the field of prevention of domestic violence;
 - 3) develops measures for application of active forms of assistance of employment of the population.

Article 13. Competence of the organizations of health care

Organizations of health care:

- 1) render the narcological, psychological, mental health, treatment-and-prophylactic assistance and carry out medical rehabilitation of the victims and persons who committed domestic violence;
- 2) law-enforcement bodies inform on the facts of the address of the victims and rendering medical care to them;
- 3) is realized by actions for the prevention of alcoholism, drug addiction, toxicomania.

Article 14.

It is excluded according to the Law of the Republic of Kazakhstan of 29.09.2014 No. 239-V ZRK

Article 15. Organizations for assistance

1. Organizations for assistance:

- 1) perform acceptance of the victims;
- 2) will organize provision of necessary psychological, pedagogical, medical, legal aid by the victim, if necessary send them to the organizations of health care for delivery of health care and further rehabilitation;
- 3) according to opportunities provide temporary residence by the victim;
- 3-1) render to the victims special social services, and also address in their interests to local executive bodies of areas, cities of regional value with the statement for provision of the guaranteed and (or) additional amount of the special social services provided over the guaranteed amount;
- 4) is carried out by psychocorrectional programs with persons who committed domestic violence;
- 5) is informed by law-enforcement bodies on the facts of domestic violence or on threat of their making;
- 6) carry out right explanatory work on questions of prevention of domestic violence;
- 7) perform interaction with physical persons and legal entities concerning prevention of domestic violence.

The help provided by subitems 1), 2), 3), 4) and 5) of part one of this Item is injured irrespective of the place of residence.

2. The organizations for assistance are created by local executive bodies, and also physical persons and legal entities according to the procedure, established by the legislation of the Republic of Kazakhstan.

3. Financing of organization activity on assistance is performed at the expense of the budgetary funds and other sources which are not forbidden by the legislation of the Republic of Kazakhstan.

Chapter 3. Measures of prevention of domestic violence

Article 16. Regulation of the relations arising in case of application of measures of prevention of domestic violence

Regulation of the relations arising in case of application of measures of prevention of domestic violence is performed according to the legislation of the Republic of Kazakhstan on prevention of offenses taking into account the features established by this Chapter.

Article 17. Measures of individual prevention of domestic violence

1. Measures of individual prevention of domestic violence are applied to systematic purposeful impact on sense of justice and behavior of person who committed domestic violence for the purpose of the prevention of making of new offenses from its party and safety of the victim.

2. Measures of individual prevention of domestic violence are:

- 1) preventive conversation;
- 2) delivery in law-enforcement bodies of person who committed domestic violence for creation of the protocol on administrative offense or pronouncement of the protective instruction;
- 3) protective instruction;
- 4) administrative detention;
- 5) enforcement powers of medical nature;
- 6) establishment of special requirements to behavior of the offender;
- 7) administrative punishment;
- 8) deprivation or restriction of the parent rights, cancellation of adoption (adoption) of the child, release and discharge of guardians and custodians from execution of the obligations by them, early agreement cancelation about transfer of the child on education to the foster tutor;
- 9) measures of procedural coercion and security measure of the victims in criminal procedure;
- 10) the measures taken according to the court verdict.

3. Measures of individual prevention of domestic violence are determined taking into account specific features of person to whom they are applied of nature and the degree of public danger made by it offenses.

4. The decision on application of measures of individual prevention can be appealed by interested persons according to the procedure, established by the legislation of the Republic of Kazakhstan.

Article 18. Bases for taking measures of individual prevention of domestic violence

1. The basis for taking measures of individual prevention of domestic violence is one of the following circumstances:

- 1) receipt of the statement or message of physical persons and legal entities;
- 2) direct detection by the employee of law-enforcement body of the fact of making of domestic violence or attempt of its making;
- 3) the materials which arrived from state bodies and local government bodies.

2. Statements and messages on making of domestic violence or on threat of its making are considered by state bodies according to the procedure, established by the legislation of the Republic of Kazakhstan.

Article 19. Preventive conversation

1. The main objectives of preventive conversation are identification of the reasons and conditions of making of domestic violence, explanation social both consequence in law of domestic violence and belief in need of law-abiding behavior.

2. The preventive talk is had by the subject of prevention of domestic violence with person who committed domestic violence or concerning which there are bases for taking measures of individual prevention of domestic violence.

3. The preventive talk is had in service premises of subjects of prevention of domestic violence, and also at the place of residence, studies, works or is direct on the place of making of domestic violence, and more than one hour cannot proceed.

4. Person with whom the preventive talk is had is warned about need of the termination of illegal actions.

5. The preventive talk with the minor is had in the presence of his parents, teachers or other legal representatives.

Article 20. Protective instruction

1. For the purpose of safety of the victim and in the absence of the bases for production of administrative detention according to the procedure, provided by the Code of the Republic of Kazakhstan about administrative offenses, or detentions according to the procedure, stipulated in Article 128 Codes of penal procedure of the Republic of Kazakhstan, chiefs of territorial authority of police, local police service of law-enforcement body, their deputies, local police inspectors, children's officers and on protection of women against violence take out the protective instruction taking into account opinion of the victim which is handed for execution to person who committed domestic violence or from which the threat of its making, on receipt proceeds. In case of refusal from signing in the protective instruction entry about it is made.

The copy of the protective instruction on receipt in day of its removal with explanation of its rights, and also consequence in law in case of violation of the protective instruction by person concerning which it is taken out shall be provided to the victim.

The copy of the protective instruction within twenty four hours from the moment of its delivery to person concerning whom it is taken out goes to the prosecutor.

2. The protective instruction is taken out concerning the responsible person who reached at the time of its removal of sixteen-year age.

3. The protective instruction forbids to commit domestic violence, contrary to will of the victim to search, pursue, visit, conduct oral, telephone negotiations and to come to it into contacts in other ways, including minor and (or) incapacitated members of his family.

4. In the protective instruction are specified: time and the place of its removal by whom and concerning whom it is taken out, the place, time and circumstances of making or threat of making of domestic violence, the set restrictions in the relations with the victim, consequence in law in cases of continuation of illegal actions and violations of the protective instruction.

5. Effective period of the protective instruction constitutes thirty days from the moment of its delivery to person concerning whom it is taken out. Review frequency makes seven once at least calendar days.

6. *No. 175-V ZRK is excluded according to the Law of the Republic of Kazakhstan of 18.02.2014*

8. Person concerning whom the protective instruction is taken out is put by law-enforcement bodies on preventive accounting and behind it preventive control is exercised.

Article 21. Administrative detention

1. For the purpose of suppression of the domestic violence containing structure of administrative offense and in the presence of the bases to believe that pronouncement of the protective instruction is not enough for safety of the victim, the official of law-enforcement bodies makes administrative detention of person who committed domestic violence which consists in its temporary imprisonment of action and movement with forced content in the special room.

Article 22. Establishment of special requirements to behavior of the offender

1. For the purpose of safety of the victim by court special requirements to behavior persons, committed domestic violence can be identified.

2. Establishment of special requirements to behavior of the offender is measure of administrative and legal impact and is applied both along with imposing of administrative punishment, and instead of it in case of release of person who made administrative offense from the administrative responsibility.

3. Person concerning whom special requirements to behavior are established has enough:

1) contrary to will of the victim to search, pursue, visit, conduct oral, telephone negotiations and to come to him into contacts in other ways, including minor and (or) incapacitated members of his family;

2) to acquire, store, carry and use fire and other types of weapon;

3) to take alcoholic beverages, and also drugs and psychotropic substances, their analogs in not medical purposes.

In exceptional cases to protection and protection of the victim and members of his family the court has the right to apply also measure of administrative and legal impact in the form of prohibition to person who committed domestic violence, to live in the individual apartment house, the apartment or other dwelling with the victim in case of availability at this person of other dwelling.

4. During effective period of special requirements to behavior of the offender obligations can be assigned to it to be in law-enforcement bodies from one to four times a month for preventive conversation.

6. Person concerning whom special requirements to behavior are established is put by law-enforcement bodies on preventive accounting and behind it preventive control is exercised.

Article 23. Measures of procedural coercion and security measure in criminal procedure

1. For the purpose of suppression of the domestic violence containing structure of criminal offense, and the safety of the victim, the witness and other persons participating in criminal trial members of their families and close relatives the bodies performing criminal prosecution and conducting criminal procedure measures of procedural coercion and procedural security measures are applied.

Chapter 4. Final provisions

Article 24. Supervision of respecting the rule of law in the sphere of prevention of domestic violence

The highest supervision of respecting the rule of law in the sphere of prevention of domestic violence is exercised by bodies of prosecutor's office.

Article 25. Maintaining confidentiality when implementing the help to the victims

Data on private and family life of the victims are confidential information and are not subject to disclosure.

Disclosure of confidential information by person to which owing to official position the fact of domestic violence became known attracts the responsibility established by the laws of the Republic of Kazakhstan.

Article 26. Procedure for enforcement of this Law

This Law becomes effective after ten calendar days after its first official publication.

President of the Republic of Kazakhstan

N. Nazarbayev