ANNOTATION

of the dissertation entitled "Specific Features of Preventing Domestic Violence against Women and Children: Issues of Theory and Practice" submitted for the degree of Doctor of Philosophy (PhD)

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Relevance of the research topic. The Constitution of the Republic of Kazakhstan, by placing marriage and the family, motherhood, fatherhood and childhood under the protection of the State, laid the fundamental basis for securing human rights in family relations. Yet it is precisely this sphere – the environment in which a person should be safest – that has become the space of the most widespread and the most latent form of violence. The family, although a sphere of private life, must therefore not be regarded as an environment that justifies violence or lies beyond legal control.

The significance of the topic is reinforced by the new Constitution of the Republic of Kazakhstan adopted at the republican referendum on 15 March 2026, which enshrines the idea of a "Just Kazakhstan", the principle of "Law and Order", respect for human and civil rights and freedoms and the supremacy of law and order as the foundational principles of State activity. These provisions give grounds to treat the prevention of domestic violence against women and children not as a private family matter but as legal and preventive activity aimed at protecting human rights, ensuring public safety and fulfilling the tasks of a social State.

In recent years the State has radically renewed its legal policy in this field. The Law of 15 April 2024 No. 72-VIII re-criminalised battery and the intentional infliction of minor bodily harm as criminal misdemeanours and increased liability for offences against minors. Since 2025, criminal liability for stalking and psycho-correctional programmes for perpetrators have been introduced. The consolidated Law of 30 December 2025 No. 245-VIII "On the Prevention of Offences" brought the prevention of domestic violence into a single legal framework, and the preventive units of the internal affairs bodies were reorganised. The period of intensive reform sets three simultaneous tasks for legal science: the doctrinal interpretation of the conceptual apparatus of the new legislation and its continuity with the previous regulation; the assessment of the actual outcomes of the reforms on the basis of criminological and victimological data; and the substantiation of evidence-based directions for further improvement of the preventive system.

International legal instruments likewise establish the protection of women and children from violence as one of the principal obligations of the State. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child recognise the protection of the family, mother and child as an essential element of securing human rights. General Recommendations No. 19 and No. 35 of the CEDAW Committee and General Comment No. 13 of the Committee on the Rights of the

Child specify the obligations of States to prevent violence, protect victims and provide effective remedies.

Statistical data clearly demonstrate the scale of the problem. According to the World Health Organization, one in three women worldwide has experienced physical and/or sexual violence by an intimate partner during her lifetime, and the national sample survey conducted in Kazakhstan showed that 17 per cent of women aged 18–75 had experienced partner violence. According to the Committee on Legal Statistics and Special Records, the number of criminal offences registered in the family and domestic sphere rose from 942 in 2022 to 3,713 in 2025; the share of family and domestic homicides in the total number of homicides increased from 9.2 per cent in 2017 to 22.5 per cent in 2024; and in 2025, 96,194 persons were held administratively liable for offences in the family and domestic sphere. In 2024 the police received almost 100,000 reports of violence in the family and issued more than 85,000 protective orders.

These data show that domestic violence against women and children is a hidden, recurrent and socially dangerous phenomenon. The economic and housing dependence of women, the age-related characteristics of children and the limits of their legal autonomy, and the fear of victims to approach law enforcement bodies prove that the preventive system cannot be confined to measures of liability alone. The relevance of the topic is therefore determined by the need for a scientific substantiation of the prevention of domestic violence as a comprehensive legal and preventive system that ensures the real safety of the victim, the early identification of risk, the strengthening of protective measures, the correction of the perpetrator's behaviour and the inter-agency cooperation of the competent authorities.

Aim of the dissertation research: to develop scientifically substantiated legislative and organisational proposals for improving the prevention of domestic violence against women and children on the basis of a comprehensive analysis of its theoretical foundations, criminological and victimological characteristics and the current state of the preventive system.

To achieve this aim, the following objectives were set:

– to define the concept, essential features and forms of domestic violence against women and children by comparing doctrine, international standards and current legislation;

– to analyse the system of legal foundations for the prevention of domestic violence and its historical evolution;

– to systematise the comparative legal models of protecting women and children from violence and to formulate the lessons of reception for Kazakhstan;

– to characterise the state, structure, dynamics and latency of domestic violence in the Republic of Kazakhstan for 2016–2026;

– to systematise the determinants of domestic violence by level and to develop a typology of the offender's personality;

– to reveal the structure of the victimological vulnerability of women and children and the mechanisms of secondary victimisation;

– to assess the system of prevention actors and to substantiate directions for improving their activity;

– to systematise preventive measures by level and to propose a matrix of measures aligned with determinants, actors and indicators;

– to develop a methodology for assessing the effectiveness of the preventive system and to formulate proposals for improving current legislation.

Object of the research: social relations arising in the sphere of preventing domestic violence against women and children.

Subject of the research: the provisions of the Constitution of the Republic of Kazakhstan, of criminal, criminal procedure, administrative, family and social legislation and of the Law "On the Prevention of Offences" regulating the prevention of domestic violence; international legal standards and the legislation of foreign States; the criminological and victimological characteristics of domestic violence against women and children; the system of prevention actors and measures; and doctrinal positions, statistical data and law enforcement practice concerning the assessment of its effectiveness and improvement.

Methodological basis and empirical base of the research. The research rests on the dialectical, systemic and structural-functional approaches; the formal legal, comparative legal, historical legal, statistical and casuistic methods; and the methods of content analysis of judicial acts and sociological survey. The empirical base comprises the official reports of the Committee on Legal Statistics and Special Records of the Prosecutor General's Office for 2016–2025 and the first six months of 2026 (forms No. 1-M, No. 1-AP and No. 1 court), reports of the Ministry of Internal Affairs and the Government, the results of the national victimological survey, the author's sociological survey of 320 respondents (officers of internal affairs bodies, specialists of crisis centres and social services, legal representatives of victims), a content analysis of 319 judicial acts of 2010–2026 selected from the official database of judicial acts, and a casuistic analysis of six high-profile cases concluded by judgments that have entered into legal force.

Scientific novelty of the dissertation research lies in the fact that, for the first time in Kazakhstani legal science, the prevention of domestic violence against women and children is examined at a comprehensive monographic level in the context of the legislative reforms of 2024–2026 – criminalisation in the form of criminal misdemeanours, the consolidated preventive law and the psycho-correctional infrastructure.

Domestic violence against women and against children is substantiated as two manifestations of a single phenomenon based on power and dependence within the family, and two author's definitions resting on five essential features are proposed. A three-level model of the legal foundations, their four-stage evolution and three regularities are identified, and it is proved that the instability of the legal norm is an independent criminogenic factor. Four typical models of protecting women and children are systematised, and the Kazakhstani system is positioned as a mixed model.

On the basis of a methodology for analysing dynamics that takes account of changes in the registration regime, the concepts of the "two-pole structure" of domestic violence and of the "registration paradox" are proposed. A four-level map of determination, three types of perpetrators and a "type – instrument" matrix are developed. The structural nature of the vulnerability of women and children, the concept of the "paradox of trust", four types of women victims and three channels of secondary victimisation are revealed, and the phenomenon of "secondary latency" at the judicial stage is confirmed by judicial statistics.

The system of prevention actors is assessed against the requirements of systemicity and three typical coordination gaps are identified; a "determinant – measure – actor – indicator"

matrix and a ten-indicator system for assessing effectiveness are proposed. A set of proposals for improving legislation with specific normative wording, a draft risk assessment form and a draft of legislative amendments are substantiated.

Main provisions submitted for defence:

– It is proved that domestic violence against women and against children are not two separate phenomena but two manifestations of a single phenomenon based on power and dependence within the family: power over a woman is exercised through control in a partner relationship, and over a child through age-related and status dependence. Two author's definitions are formulated and five common features are identified – unlawfulness, intent, harm or the threat of harm, the family and domestic environment and a propensity to recur. On this basis it is proposed to supplement three concepts in Article 1 of the Law "On the Prevention of Offences": the generic definition – with encroachment on sexual freedom, economic harm, systematic acts for the purpose of control and the child witness; the concept of economic violence – with the creation and exploitation of economic dependence; the concept of psychological violence – with controlling behaviour.

– The legal foundations of prevention consist of three levels (constitutional-international, legislative and sub-legislative programmatic) and have passed through four stages: Soviet, transitional (1991–2009), special law (2009–2024) and consolidation (since 2024). It is proved that the instability of the legal norm is an independent criminogenic factor: the decriminalisation of 2017 deepened latency, whereas the reforms of 2023–2024 combined an increase in registration with a decrease in grave consequences. Four typical models of protection are distinguished – convention-integrative, order-precedential, special-legislative and general-legal; the Kazakhstani system is characterised as a mixed model combining elements of three types, and three conditions for the effectiveness of a protective order and a path for the phased implementation of the standards of the Istanbul Convention are substantiated.

– The "two-pole structure" of domestic violence in Kazakhstan is proved: mass minor manifestations and a lethal core accounting for about a quarter of homicides. The growth of registration in 2023–2025 reflects not an increase in the phenomenon but a decrease in latency (the "registration paradox"), since outcome indicators independent of the registration regime declined; hence the reserve for reducing lethality lies in systematic response to minor manifestations. A four-level map of determination and three types of perpetrators – situational-conflictual, persistently despotic and degradational – are substantiated, and it is proposed to approve the "type – instrument" matrix as the methodological basis of the preventive activity of the internal affairs bodies.

– It is proved that the vulnerability of women and children is not a personal trait but a structural position: for women – economic, psychological and child-related dependence; for children – the coincidence of protector and source of danger in one person (the "paradox of trust"). Prolonged victimisation grows into defensive violence, so that the protection of women is at the same time the prevention of female crime. Secondary victimisation is realised through media, procedural and institutional channels, and the mechanism of reconciliation at the judicial stage has turned into an instrument of "secondary latency". Four types of women victims are distinguished; it is proposed to enshrine an individual safety plan in Article 71 of the Law, to extend the deposition of testimony to adult victims, to align

the prohibition of approach with special requirements and to provide payments from the victims' compensation fund to victims of systematic domestic violence.

– It is proved that the main limitation of the prevention system is institutional rather than normative: with full legislative coverage, the implementing links are weak – three coordination gaps, non-standardised risk assessment and the leniency of judicial practice. It is proposed to approve a prevention model built on the "determinant – measure – actor – indicator" matrix and a ten-indicator assessment system; to supplement the Law "On the Prevention of Offences" with provisions on mandatory risk assessment (Article 72), the temporary removal of the perpetrator from the shared dwelling (Article 60) and completion of a psycho-correctional programme as a special requirement (Article 61); to restrict, in the sanctions of Articles 108-1 and 109-1 of the Criminal Code, the application of a fine to family members with a shared budget, establishing community service and arrest as the principal penalties; to adopt a special regulatory resolution of the Supreme Court; and to introduce individual case management for high-risk cases and an annual independent assessment of the prevention system.

Theoretical and practical significance of the research. The theoretical significance lies in the clarification of the conceptual apparatus of domestic violence, the development of level-based models of determination and victimisation, typologies of the offender and the victim, and a methodology for assessing the effectiveness of prevention. The practical significance consists in a set of legislative proposals with specific normative wording, a matrix of measures for prevention actors, a risk assessment form and a system of effectiveness indicators; the results may be used in law-making, in the practice of internal affairs bodies, courts, local executive bodies and social services, and in teaching criminology, victimology and criminal law.

Approbation of the results of the dissertation. The main scientific results, conclusions and proposals are set out in 12 scientific publications of the author, including 2 articles in international peer-reviewed journals indexed in Scopus and Web of Science Core Collection (Violence and Victims; Psychology of Violence), 8 articles in journals recommended by the Committee for Quality Assurance in Science and Higher Education of the Ministry of Science and Higher Education of the Republic of Kazakhstan, and 2 papers in the proceedings of international scientific and practical conferences.

Structure and volume of the dissertation. The dissertation consists of normative references, definitions, designations and abbreviations, an introduction, three chapters comprising nine sections, a conclusion, a list of references.