

Kazakhstan: Domestic Abuse Victims Face Alimony Battles

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Legislation from 2010 has improved police action on domestic violence, but victims find it hard to claim a fair legal settlement afterwards.

Alia and her 16-month-old son are regular visitors to the children's hospital in Shymkent in southern Kazakhstan.

The baby has been diagnosed with a brain tumour, as well as excess fluid in his skull. Alia says doctors have told her that his condition might be the result of a brain injury after his father punched him in the head when he was aged just four months. It could leave him permanently disabled.

Alia, 38, told IWPR that both she and her child were frequently subjected to violence by her ex-husband.

In September 2012, after she and the baby received yet another beating, she reported her husband to the police and he was jailed for 15 days for assault.

On his release, he threw his wife and child out of the house and filed for divorce, which was granted this February.

Alia's problems were far from over. Due to her son's ill health, she is unable to work, and her husband refused to pay child support on the grounds that he was unemployed, even though Alia says he works as a minicab driver.

He signed their former family home over to a relative to avoid her claiming a share in it.

Domestic abuse victims in Kazakhstan have had greater protection since a law was passed in 2010. Despite this better legal framework and improved policing to deal with offences, experts say victims still face obstacles at a later stage, when after a divorce or separation they need to secure child support and resolve disputes.

In Alia's case, she went to the police again after her ex-husband began making threatening phone calls in an effort to stop her claiming her share of their joint possessions, as well as past maternity benefits worth nearly 1,000 US dollars which he had taken control of during the marriage.

At this point, Gulchekhra Mominova, a senior police inspector from the domestic violence unit, advised her to contact Sana Sezim, an NGO which provides women in Alia's situation with legal aid and psychological counselling.

After talking to a lawyer from the NGO, Alia found out that she could claim back the maternity payments as well as the monetary equivalent of half the household items she and her husband had bought together.

Mominova – who says her own ex-husband kidnapped, beat and forced her into marriage – says that since the law was enacted in January 2010, police have been dealing with more cases of domestic violence as more women come to them with claims.

The law sets out a clear framework for how police should respond in such cases, defining what constitutes domestic violence and providing a roadmap for prosecution. It also extends to physical, psychological and economic forms of abuse that used to be largely ignored.

Before the legislation was introduced, taking perpetrators of domestic violence to court was a very difficult process. Police could reject a complaint by arguing that the scale of physical harm was insufficient for a prosecution. A bruise or a minor cut was not enough to qualify as abuse.

These days, police attending the scene of a domestic violence complaint can issue a protection order on the spot, and place the alleged offender on a register for a period of ten days.

Vera Zakutnyaya, a programme coordinator with Sana Sezim, agrees that more women are now seeking help. In the first quarter of 2013, her organisation received more than 1,000 requests for help, compared with 600 over the same period last year.

Like other women's rights activists, however, Zakutnyaya believes more still needs to be done to educate women about the process – what happens after they report their husbands, how to claim child support payments, and how to secure a fair division of household assets.

Zakutnyaya said most of the women coming to Sana Sezim were having trouble reclaiming documents like

their own passports and IDs, their children's birth certificates, and marriage registration papers. They were also short on knowledge of how to go about claiming what was due to them.

Sana Sezim produces leaflets advising the victims of domestic violence to make contingency plans, for example to make sure they take important documents with them when they flee the home.

A woman who gave her first name as Nigara contacted Sana Sezim after spotting the NGO's details in a newspaper. She was married, but only in a Muslim ceremony, meaning the union was not officially registered in the eyes of the state.

Despite this legal obstacle, she was represented by a Sana Sezim lawyer and was able to win back some of the assets she had brought to the marriage in the form of a dowry.

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