

Kazakhstan ex-minister found guilty of wife's murder, case prompts reckoning on domestic violence

Recent law reforms in Kazakhstan to strengthen protections against domestic violence are welcome but still do not go far enough, and major legal gaps remain.

LONDON, UNITED KINGDOM, May 13, 2024 /EINPresswire.com/ -- In 2017, Kazakhstan



Everyone has been waiting for better laws for a long time, but what we have now came at a high price, at the cost of the deaths of many women. There is still much work to be done to improve things."

Dina Smailova, #NeMolchi Foundation

decriminalized beatings and other acts causing "minor" physical harm, with the punishment reduced to an arrest, fine, or warning. Now, the high-profile trial of Kuandyk Bishimbayev, a businessman and former Minister of Economy who has been found guilty of murdering his wife, Saltanat Nukenova, has sparked national debate and legal reform. A new law to address domestic violence was recently introduced. Legal experts say the legislation must be strengthened further and properly enforced to ensure greater protection of women and girls.

On Monday, May 13, Bishimbayev was sentenced to 24 years in prison for murdering Saltanat, 31. His trial was the

first to be live-streamed in the Central Asian country, making it easily accessible online to its 19.6 million population and people globally. Disturbing CCTV footage showing Bishimbayev's several-hour alleged assault on his wife has provoked outrage and demands for justice.

KAZAKHSTAN'S LAW REFORMS DO NOT GO FAR ENOUGH

Bishimbayev, 44, was charged with torturing and murdering Saltanat on November 9, 2023. Initially, he maintained his innocence before finally admitting he had beaten Saltanat, which "unintentionally" led to her death. However, he did not admit that he acted "with exceptional cruelty," which he was charged with.

Days after Saltanat's murder, an online petition was launched urging authorities to bolster protection against domestic violence. It has attracted widespread support, soon gaining over 150,000 signatures.

Responding to public outcry, on April 11, senators approved a bill dubbed "Saltanat's Law." Four days later, President Tokayev signed the legislation, which aims to close gaps in legal protections against domestic violence by criminalizing battery and intentional harm to health.

Legal experts at Equality Now, an international human rights organization, [analyzed the legislation amendments](#) with Kazakh partner #NeMolchikz (#DoNotBeSilent) Foundation and submitted findings to the 2024 Human Rights Dialogue between the EU and Kazakhstan.

Recent law reforms are welcome but do not go far enough. Domestic violence - including physical, sexual, and economic violence, psychological abuse, and stalking - should be criminalized as a standalone offense. Also vital is comprehensive enforcement of new legislation, with authorities proactively investigating and prosecuting all gender-based violence offenses.

Almat Mukhamedjanov, a human rights defender and head of the #NeMolchi Foundation, explains, "When discussing domestic violence, they forget about the need for a comprehensive and systemic approach to this problem. I believe it is wrong to interpret the recent amendment as a proper tool for toughening punishment for domestic violence.

"Yes, they brought back article 108-1, intentional infliction of minor harm to health, article 109-1 - battery. Yes, they toughened the penalties for some articles. But there is no article on stalking, which is how many crimes begin. All women killed or driven to suicide by their former partners were subjected to stalking, bullying, economic harassment, and psychological violence."

DOMESTIC VIOLENCE IS RARELY PUNISHED

Since battery and minor harm to health were decriminalized and reclassified as an administrative offense in 2017, domestic violence has gone largely unpunished. In 2023, over half of 47,600 cases classified as [administrative offenses in family and domestic relations were terminated](#). Of the remaining cases, 9,400 ended in just a warning, with law enforcement treating domestic abuse as a private matter.

Throughout Bishimbayev's trial, prosecutors have underscored the systemic nature of the abuse inflicted on Saltanat, emphasizing that her brutal death was not an isolated incident but the culmination of sustained mistreatment. The case has laid bare the horrors of domestic violence and exposed inadequacies in Kazakhstan's legal frameworks to protect victims and hold perpetrators accountable.

REMOVING BARRIERS TO JUSTICE FOR VICTIMS OF GENDER-BASED VIOLENCE

Kazakhstan's legislation on sexual and gender-based violence should be brought into line with international standards, says Dariana Gryaznova, a Eurasia Legal Advisor at Equality Now. She explains, "As recommended by international human rights mechanisms, domestic violence - including psychological abuse and stalking - should be criminalized as a standalone offense."

To prove rape, Kazakhstan's criminal code requires proof of violence or threats, and this is narrowly interpreted as physical violence. Such a [limited definition of rape](#) based on the use of force instead of a lack of consent effectively places the burden on victims to prove they physically resisted an assault. As evidence of physical injury is often not available, demanding such an onerous standard of proof enables many perpetrators to evade criminal liability.

Intimate partner rape is especially overlooked. There is neither explicit recognition nor criminalization of rape committed against a current or former spouse or partner, and law enforcement authorities commonly view sex as a "marital duty."

Specifically criminalizing marital rape or defining it as an aggravating circumstance - as required by international standards - would send a message to society that it is wrong and would make it clear to law enforcement officials, including police, prosecutors, and judges, that marital rape is a crime that must be prosecuted.

"Sexual violence in Kazakhstan remains highly largely hidden. Victims of sexual violence face many obstacles to justice. In particular, a consent-based definition of sexual violence crimes should be introduced to the Criminal Code, and marital rape should be explicitly criminalized," adds Gryaznova.

SILENCING WOMEN'S RIGHTS ADVOCATES

Efforts to tackle sexual and gender-based violence are being thwarted by those seeking to silence women's rights groups and others working on this issue. For example, in March 2024, Kazakh authorities refused to allow civil organizations to hold a peaceful rally in Almaty on International Women's Day in solidarity with victims of domestic violence.

Women's rights activist Dina Smailova, founder of the #NeMolchi Foundation and a sexual violence survivor, was forced to apply for asylum in the EU after facing threats of imprisonment in Kazakhstan. This demonstrates the need to improve the safeguarding of women's rights defenders, whose work to combat violence against women and girls often makes them vulnerable to persecution.

Smailova has joined other activists in expressing hope that civil society will be fully included in future undertakings to combat domestic violence. Smailova says, "Everyone has been waiting for better laws for a long time, but what we have now came at a high price, at the cost of the deaths of many women. There is still much work to be done to improve things."

"On a positive note, President Tokayev has acknowledged the high level of violence against women and girls in Kazakhstan and is taking steps to tackle the problem. And this is already the beginning. This is a very serious step towards change."

ENDS

Notes to editors:

A public announcement by the Supreme Court of the Republic of Kazakhstan provides the following details on the ruling in the case against Kuandyk Bishimbayev (reference number 7141-24-00-1/967): "Bishimbayev K. was found guilty of causing physical and mental suffering to the victim Nukenova S. from mid-March to November 9, 2023 through systematic beatings or other violent actions, committed against a person who was financially dependent on the perpetrator (Art. 110, Part 2, Clause 1 of the Criminal Code); and also that on November 9, 2023, he committed the murder of Nukenova S., that is, the unlawful intentional infliction of death on another person, committed with extreme cruelty (Article 99, Part 2, Clause 5 of the Criminal Code). " <https://sud.gov.kz/rus/news/vynesen-prigovor-po-delu-bishimbaeva-i-bayzhanova>

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