

# Maternity Protection in the Republic of Kazakhstan and Abroad: Comparative Legal Analysis

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## Abstract

**Background/Objectives:** The article provides a comparative analysis of legal regulation of maternity protection in Kazakhstan, Russia and best practices of the developed European countries, highlighting the gaps in the relevant national legislation which currently remains a pressing issue. **Methods:** The methodological basis of the research is formed by a general dialectical method of obtaining knowledge on the system of general and natural laws, society and the state; scientific methods – analysis and synthesis, induction and deduction, historical and logical methods; specific scientific methods – system analysis, logic, comparative, statistical and other methods. Conducting this study, the authors also applied statistical and comparative methods, the methods of system and correlation analysis. **Findings:** The research involved studying current legislation, standards, monographs and scientific articles related to the theme of the paper. According to the analysis of Kazakh and Russian legislation on maternity protection, there is a current development of this field, motherhood being a fundamental factor of raising healthy children. Nevertheless, the measures taken appear to be insufficient. The example of the developed countries, especially France and Scandinavian countries, demonstrates that mothers should receive full support (social, financial, and economic). **Application/Improvements:** The authors concluded that maternity protection in the Republic of Kazakhstan should be comprehensive, and it should imply adoption and implementation of the state programs promoting motherhood, comprehensive social support for mothers, as well as introduce the practice of shared childcare by both parents, taking into consideration gender balance and socio-economic status of mothers.

**Keywords:** Benefits, Gender Balance, Maternity Protection, Social Protection, Social Rights, Welfare

## 1. Introduction

### 1.1 Relevance of the Topic

The legal protection of mothers plays an important role in the system of human rights since motherhood denotes the start of a human's life and his further formation as a person, a social individual, and as a productive member of the modern society. In recent years, Kazakhstan has been paying special attention to maternity protection, and the country has adopted a number of laws and ratified main international agreements in this field.

The relevance of maternity protection was also stated in the State-of-the-Nation Address by the President of the Republic of Kazakhstan – the Leader of the Nation N.A. Nazarbayev to the People of Kazakhstan “Kazakhstan-2050 Strategy: New Policy of the Established State”.

## 2. Literature Review. Scientific Development of the Issue

Pressing questions of maternity and childhood protection have been investigated in the number of research papers of both Kazakh and international legal experts. Scientific

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studies considering maternity protection, and in general, health care, also include some publications focusing on the legal issues of maternity protection during the Soviet period, the legal basis for the family protection, health and social aspects of birth control, procedural and institutional aspects of pregnant women and newborns care, along with some others. Undoubtedly, a great contribution to the development of the legal maternity protection has been made by Russian scientists. Let us name some of them.

Scientific novelty of E.O. Rybakova's research<sup>1</sup> stems from a comprehensive description of the main activities of the People's Commissariat (Russian Soviet Federative Socialist Republic) in the field of public health, the development of the People's Commissariat as the central authority in charge of medicine, joining together rural, urban, factory, railway, military and insurance health care in the young Soviet state. The issue is considered with due respect to the latest achievements of historical and legal science, reducing its ideological emphasis through comprehensive study of organizational and legal foundations of the Soviet health care.

A comprehensive analysis of legal regulation in the field of health care in 1917-1941 is presented in the papers by A.A. Golubev<sup>2</sup> more specifically: the research evaluates the system of health care management, names the key legal rules which acted as a basis for the development of certain sectors of health care; it also provides a comprehensive analysis of the status of various groups of medical workers, as well as specifies the regulatory framework of medical training system. The paper focuses on the analysis and objective evaluation of the processes that took place in the national health care system and were reflected in legislation.

Scientific novelty of V.Y. Krasnova's research<sup>3</sup> is determined by its investigation of mediated links between children's socialization problems and the state, politics and rights; it also shows the relationships in social, economic, cultural, and legal policy in child protection. The paper provides the principles of tiered classification of childhood values and tiered approach to social policy, as well as develops the concept of "childhood risks" and their typology, depending on the level of self-organization of people in the Russian society. In addition to that, the research analyzes the harmful effect risks have on families and children in Russia.

The papers by E.V. Zakharova<sup>4</sup> represent the first attempt to cover the set of topical issues at the regional

level for indigenous areas (Khakassia), which includes: a comprehensive study of the indicators describing medical and demographic situation, the health of pregnant women and newborns, perinatal and infant mortality rates carried out by means of a systemic approach; evaluation of the effectiveness of determining the high perinatal risk group and the amount of preventive measures implemented in a maternity welfare center; a study on the patient satisfaction with medical care, the doctors' evaluation of the organization level of health care in the Republic; determining scientifically sound methodological approaches to optimize maternal and child health care by creating a new organizational and functional structure.

Comprehensive maternity protection is impossible without a detailed study of how the fundamental principles of family law can be implemented and problems arising in this regard. Here, the research by N.S. Sherstneva<sup>5</sup> devoted to the Russian family law is of undeniable scientific value. The paper examines general theoretical and applied aspects of family law principles in their interrelations. It is the first comprehensive study of the regulatory guidelines in family law and defines the impact of various socio-economic factors, as well as the influence of family life safety factors on the principles of the Russian family law. The research is based on the author's approach according to which the family is the first element of the state.

At present moment, motherhood is directly linked to social and medical aspects of birth control, pregnancy planning as well as safe delivery. These issues are examined in the studies by V.A. Konovalov.<sup>6</sup> For instance, his work provides more detailed information on prevailing methods and means of contraception among urban and rural residents; it identifies leading risk factors for abortion in modern conditions; the work also shows the specific approaches used by a doctor when selecting a contraceptive method for a sexually active adolescent, as well as for women of active and late reproductive age. Besides, the author developed algorithms for primary and secondary prevention of abortions, etc.

The novelty of the research carried out by A.N. Sagindykova<sup>7</sup> lies in the fact that her work reveals problems concerning the realization of Kazakhstan citizens' constitutional right to health care. According to her research, in the broadest sense the constitutional and legal protection of health should be understood as a set of political, social, economic, legal and organizational measures for the maintenance, preservation and restoration of

people's health. From legal perspective, the Constitution, laws and other legal standards define the following rights the citizens have for health care: a free choice of a doctor, provision of medication, prosthetic and orthopedic aid; compensation of damages caused to their health; receiving medical, pharmaceutical, prosthetic and orthopedic aid in foreign medical and other institutions; maternity and child health protection.

The works by S.M. Baimoldina<sup>8</sup> define the topical issues of legal protection of health in the Republic of Kazakhstan, for example, criminal responsibility of medical and pharmaceutical workers, as well as penalties applicable to such workers, who should, as part of their professional duties, protect the patient's life and health. In her paper, S.M. Baimoldina notes that the new Criminal Code of the Republic of Kazakhstan considers following types of crimes referring to the medical staff: improper performance of professional obligations by a medical or pharmaceutical employee (Article 317); violation of procedure of clinical research and use of new methods and means of prevention, diagnosis, treatment and medical rehabilitation (Article 318); illegal performance of abortion (Article 319); failure to assist a sick person (Article 320); disclosure of medical secret (Article 321); illegal medical and pharmaceutical activity and illegal issuance or forgery of prescriptions or other documents, granting the right to obtain narcotic drugs or psychotropic substances (Article 322); handling counterfeit drugs, medical products or medical equipment (Article 323). These types of offences can be found in Chapter 12 of the new Criminal Code, referred to as "Medical criminal infractions", which includes 7 articles, from 317 to 323.

In the course of studying the law enforcement practices related to crimes against life and health, including the health of women, one can find numerous problems that require comprehensive analysis. Improving standards in the new Criminal Code of the Republic of Kazakhstan aims at more effective solution of these problems.<sup>9</sup>

The criminal situation in Kazakhstan indicates that women are more likely to become victims of crime, and it is typical that women's rights are violated more often than men's.<sup>10</sup>

## 3. Materials and Methods

### 3.1 Research Methodology

The methodological basis of the research includes the following: a general dialectical method of obtaining knowledge on the system of general and natural laws,

society and the state; scientific methods – analysis and synthesis, induction and deduction, historical and logical methods; specific scientific methods – system analysis, logic, comparative, statistical and other methods.

Conducting this study, the authors also applied statistical and comparative methods, the system and correlation analysis methods. The work is based on the study of relevant legislative and regulatory materials.

### 3.2 The Empirical Basis of the study was

formed by the statistical data and methodological materials of the Statistical Agency of the Republic of Kazakhstan, the materials collected by the authors in the course of research, as well as findings of the conducted studies published in scientific papers and journals.

### 3.3 The Theoretical Basis of the research

is represented by scientific works on civil and criminal law, criminology, the general theory of law, philosophy, sociology, psychology and other branches of science.

## 4. Results and Discussion

### 4.1 Legal Basis for Maternity Protection in the Republic of Kazakhstan

In the Republic of Kazakhstan maternity protection is regulated by: the norms of the Constitution of the Republic of Kazakhstan, generally recognized principles and standards of international law, laws and regulations of the Republic of Kazakhstan in the field of social, matrimonial, gender, employment, pension, criminal and penal legislation.

The international legal instruments in the field of maternity protection, ratified by Kazakhstan, include the UN Convention "On the Elimination of All Forms of Discrimination against Women" of December 18, 1979; "On the Nationality of Married Women" of January 29, 1957; "On the Political Rights of Women" of December 20, 1952; "Equal Remuneration for Men and Women Workers for Work of Equal Value, or Equal Remuneration" of June 29, 1951; the Convention concerning Discrimination in Respect of Employment and Occupation of June 25, 1958; Convention Concerning Forced or Compulsory Labor, June 28, 1930; Discrimination (Employment and Occupation) Convention of June 4, 1958.

The current laws and regulations covering the issues of maternity protection include: the Constitution of the

Republic of Kazakhstan of August 30, 1995; Code of the Republic of Kazakhstan of September 18, 2009 “On Public Health and Health Care System”; Labor Code of the Republic of Kazakhstan of May 15, 2007; Code of the Republic of Kazakhstan of December 26, 2011 “On Marriage (Matrimony) and Family”; RK Law of April 5, 1999 “On Special State Benefits in the Republic of Kazakhstan”; RK Law of July 17, 2001 “On State Social Assistance”; RK Law of April 25, 2003 “On Compulsory Social Insurance”; RK Law of June 28, 2005 “On State Assistance to Families with Children”; RK Law of June 21, 2013 “On Pension Security”; RK Law of April 16, 1997 “On Housing Relations”; RK Law “On State Guarantees of Equal Rights and Equal Opportunities for Men and Women”; RK Law “On Prevention of Domestic Violence”.

The Address of the First President of the country N.A. Nazarbayev to people of Kazakhstan of October 10, 1997 devoted to the Kazakhstan Development Strategy up to 2030, states as a long-term priority that “maternal and child health should be in the focus of attention by the state, health authorities and the public”<sup>11</sup>.

The Strategic Plan of Kazakhstan Development up to 2020 names the system of mothers and children social support as a key one. Thus, it aims at promoting the actions to increase birth rate and support large families by developing a set of measures, including tangible and intangible incentives<sup>12</sup>.

Kazakhstan 2050 Strategy states the need for “continuous improvement of the social and pension systems and comprehensive protection of mothers and children”<sup>13</sup>.

The undertaken analysis of laws and regulations of the Republic of Kazakhstan concerning maternal protection reveals the following fundamental rights of mothers.

1. Social rights: the right to receive special government allowances. It may be granted to mothers with many children awarded with pendants “Altyn Alka”, “Kumisalka” and also large families with four or more minor children living together<sup>14</sup>; the right to receive social benefits in case of loss of income due to pregnancy and childbirth, in case of loss of income due to the adoption of a newborn child (children), in case of loss of income due to caring for a child older than one year<sup>15</sup>.

2. Mothers’ rights to labor, consisting of: standards preventing the termination of the employment contract (in accordance with Paragraph 1 of Article 185 of Labor Code of the RK the employer’s termination of an employment contract with pregnant women, women with children under three years old, single mothers rais-

ing a child under fourteen years of age; norms limiting overtime work (according to Paragraph 1 of Article 88 pregnant women are not allowed to work overtime); the provision of additional breaks for feeding a child (under Paragraph 1 of Article 188 of Labor Code, women, fathers etc. with children under the age of one and a half years).

## 4.2 The Specifics of Maternity Protection Legislation in Europe

In EU countries, pregnant women who gave birth and have small children receive considerable support. The European Union Acts regulating maternity protection include:

1) The Charter of Fundamental Rights of the EU of December 7, 2000. The Charter is a fundamental instrument in the human rights field which enshrines the economic and social rights. It provides a detailed description of standards regulating family protection, provision of an opportunity to combine family life (maternity) with professional activity for a person, the women’s right to be protected against dismissal due to pregnancy, the right to receive a maternity leave and maternity care due to the birth or adoption of the child, and other social services<sup>17</sup>.

2) Convention concerning the Revision of the Maternity Protection Convention (Revised), 1952, No. 183, convened by the General Conference of the International Labor Organization, June 15, 2000, which promotes the improvement of women-mothers’ conditions.

The most favorable conditions in terms of maternity protection may be found in Scandinavian countries such as Sweden, Norway and Finland. The main guarantees for maternity protection in these Scandinavian countries are: the provision of a long pregnancy and maternity leave; payment of 80% of salary during the pregnancy and maternity leave; payment of compensation to those not entitled to the benefits provided at the workplace; provision of a paid leave not only to mothers but also to fathers.

In Norway, the social policy aims at maintaining gender equality and support of children and their families. Norwegian National Insurance Act adopted in 1956 guarantees the universal right to paid leave on the birth of a child. To receive maternity allowance, the expectant mother must have worked for at least 6 of the 10 months prior to the child birth. Women who do not comply with these requirements shall be entitled to receive one-time assistance of EUR3,900. In Norway, the duration of paid

pregnancy leave is 52 weeks, while maternity leave for working parents equals 18 months. During this period, parents receive a compensation of their wages in equal parts from the state and the employer. The first 12 months are paid at a rate of 80% of salary, while the next three months are paid at a fixed rate.

Similar laws are applied in Sweden. Parents with a child under 8 years old are eligible for a reduced working day paid as full-time. All children of working parents over one year are guaranteed a place in a nursery<sup>18</sup>.

In Finland, mothers receive 18 weeks of pregnancy leave and maternity leave of 26 weeks which are paid at 70% of salary. The child's parents are also entitled to receive vacation until the child is 3 years old.

Thus, the abovementioned aspects let us conclude that in Scandinavian countries the state pays great attention to: enforcing labor rights of working women who took a maternity leave; creating conditions for children education; security and comprehensive development of children, providing them with a place in a nursery.

In continental countries (Germany, France, Switzerland) maternity protection is also given considerable attention.

Germany is one of the leaders in this regard. For example, in this country there is a law "On Maternity Protection" (Mutterschutzgesetz, MuSchG). The law covers the basic rights of pregnant women. The law prohibits: 1) pregnant women doing difficult and hazardous work; 2) dismissal of pregnant women; 3) dismissal within four months of women who have recently given birth to children; 4) the document secures guarantees of maternity leave before and after childbirth, also providing economic guarantees.

The German Act "On Maternity Protection" (Mutterschutzgesetz) guarantees special rights during the pregnancy period to all working women or women undergoing vocational training (regardless of their nationality). These are the right to maternity leave, the right to maternity benefits, the right of retention of position during maternity leave, etc.

According to Paragraph 3 of the German Act "On Maternity Protection" a pregnant woman can take a maternity leave 6 weeks before the expected birth date. The duration of pregnancy leave is 8 weeks; 12 weeks in case of twin birth. The maternity leave is 12 months and there is an additional refund of medical services during pregnancy and after childbirth.

The Act obliges the employer to release a pregnant woman from work for necessary medical examinations

and passing tests, despite the fact that this may lead to a reduction in the size of her wages (§ 16 "On Maternity Protection" Act). The Act implies provision of financial assistance to pregnant women in the form of maternity benefits and allowances paid by the employer. In Germany, maternity benefits are paid by public health insurance to mothers having statutory health insurance. Maternity benefits are paid at a rate of EUR13 for each day of maternity leave. According to § 14 of the Act, women working under an employment contract are entitled to an average of EUR364-403. In Germany, the Protection against Dismissal Act (Kündigungsschutzgesetz) states that in case of dismissal it is necessarily to take into account social factors which include pregnancy. The employer's failure to meet obligations towards pregnant women, nursing mothers or mothers on maternity leave is punishable by a fine up to EUR15 000 or imprisonment of up to one year<sup>19</sup>.

In France, a lot has been done in terms of legislation for maternity protection. The duration of a pregnancy leave is 16 weeks, whereas maternity leave equals one year. Parental leave can be taken both by a mother or a father of the child. In France, the National Fund for Family Allowances pays a fixed parental leave (Complément de libre choix d'activité). To receive an allowance, parents with one child are required to have worked for continuous two years. Families with three or more children are also paid an allowance (Complément optionnel de libre choix d'activité). If one parent is unemployed, such families get an additional fixed allowance of EUR790 for a year. Moreover, if the parents have resumed working, they are paid an additional childcare benefit (Complément de libre choix du mode de garde). This allowance is paid to parents to cover the cost of hiring a certified child minder.

In France, self-employed women are also entitled to insurance protection covering maternity issues. In addition to that, France pays a single parent allowance (until a child reaches the age of three) as well as an allowance to prepare a child for school<sup>20</sup>.

France is among countries with the highest birth rates in Europe. The state encourages childbirth, supports large families, provides tax advantages, and there is a developed system of parental benefits and large families support.

### 4.3 Maternity Protection in the Russian Federation

Maternity protection is subject for continuous improvement by the Russian authorities. According

to Paragraph 1 of Article 38 of the Constitution of the Russian Federation, motherhood, childhood and family are protected by the state. In Russian law, the protection of mothers and children is understood as a set of government, public and medical measures to ensure the birth of healthy children, diseases prevention and care for women, children and teenagers. Due to the fact that “a mother and a child have common interests, they should not be considered separately, since during the period of pregnancy and the first years of life the mother is the main “interest” of a child, while the child’s interests are the most important matter for a mother”<sup>21</sup>.

Maternity protection in the Russian Federation is regulated by the following legislation: The Constitution of the Russian Federation (1993); Family Code of the Russian Federation of December 29, 1995, Federal Law No. 223-FZ; Labor Code of the Russian Federation of December 30, 2001, Federal Law No. 197-FZ; Federal Law of May 19, 1995 No. 81-FZ “On State Benefits for Citizens with Children”; Federal Law of July 24, 1998, Federal Law No. 124-FZ “On Basic Guarantees of Child Rights in the Russian Federation”; Federal Law of December 29, 2006 No. 256-FZ “On Additional Measures of State Support for Families with Children”; Federal Law of December 08, 2010 No. 343-FZ “On Amendments to the Federal Law “On Compulsory Social Insurance against Temporary Disability and Maternity” (as amended on February 25, 2011); Federal Law of November 21, 2011 No. 323-FZ “On the Basis of Public Health Protection in the Russian Federation”; Presidential Decree of August 18, 1994 No. 1696 “On the Presidential Program “Children of Russia”; Presidential Decree of May 14, 1996 No. 712 “On the Main Directions of State Family Policy”; Decree of RF Government of December 30, 2006 No. 873 “On the Issuance of State Certificate on Maternity (Family) Capital”; Decree of RF Government of November 14, 2011 No. 931 “On Amendments to the Rules Dealing with Maternal Capital Being Directed to Education of the Child and Other Educational Expenses”; ratified international laws and regulations in the field of maternity and childhood protection.

Russian social policy in the field of maternity protection involves the following aspects: unemployment benefits to women; monthly children’s allowances; maternity allowance; child care allowance for children under one and a half years; benefits for the birth of a child; benefits at early stages of pregnancy; payment of maternity (family) capital.

There are rules regulating women’s employment, preventing discrimination, restricting the employment of women in jobs with harmful and (or) dangerous working conditions, and underground work, with the exception of non-physical work or work on health and public services (the “List of hard work and work under hazardous or dangerous conditions, performing which it is prohibited to use women’s labor”, approved by the Decree of the RF Government of February 25, 2000 No. 162), and others.

According to Article 7 of the Federal Law No. 81-FZ “On State Benefits for Citizens with Children”, pregnancy leave is paid in total for the whole maternity leave of 140 days, 156 days in case of obstructed labor and 194 calendar days in case of the birth of two or more children<sup>22</sup>. The right to receive a benefit when registering at early stages of pregnancy is granted to women, who have done this at a medical institution (pregnancy up to twelve weeks) and equals 544 rubles<sup>22</sup>.

Federal Law No. 256-FZ of December 29, 2006 “On Additional Measures of State Support for Families with Children” establishes additional measures aimed at creating conditions that ensure a decent life for these families. Maternal capital is federal budget funds transferred to the budget of the Pension Fund of the Russian Federation for additional measures of state support, as stated in the abovementioned Federal Law. According to Paragraph 1 of Article 3 of the Law, the right to receive maternity capital is granted to:

- 1) women who gave birth to (adopted) a second child after January 1, 2007;
- 2) women who gave birth to (adopted) a third child or more children after January 1, 2007 if they did not previously use their right for additional measures of state support;
- 3) men who are single adopters of the second, the third child and more children, who did not previously use their right for additional government support measures and if the court decision on adoption came into force after January 1, 2007<sup>23</sup>.

The amount of the maternal capital in 2015 equaled RUB453,02616 and it can be spent only to improve the family’s living conditions, children education, building mother’s pension<sup>24</sup>.

Thus, the maternity capital is a measure of long-term state support aimed at stimulating the birth rate, especially the second and third child. This measure is also aimed at protecting maternity, and is very effective.

## 4.5 Maternity Protection in the Republic of Kazakhstan

Having analyzed the legislation on maternal protection in Kazakhstan and other countries, we can outline the following problems.

1. Considering the fact that motherhood is a fundamental aspect in solving demographic problems and raising healthy children, mothers should get full protection and support. In Kazakhstan, the state supports mothers. However, provided measures are insufficient. The experience of developed countries shows that mothers should be given full support (social, financial, economic). All indicated measures, first of all, have a positive effect on women's health<sup>25</sup>. In this regard we should mention the practices of France, Scandinavian countries and the Russian Federation considered above. For example, Kazakhstan authorities should pay more attention to supporting and creating conditions for both parents.

2. As part of maternity protection measures, special support should be given to single mothers, mothers with many children, unemployed pregnant women and unemployed mothers. We consider it necessary that mothers of different categories (single mothers, mothers with many children, unemployed mothers and so forth) should be entitled to a special benefit. Besides, the range of their rights should be expanded. Similar practices proved effective in France, where the allowance for childcare is paid to a single parent (until the child reaches three years of age), families with many children and unemployed parents.

3. Maternity protection in the Republic of Kazakhstan should be comprehensive and include the adoption and implementation of government programs which promote motherhood, provide social support to mothers as well as assistance in solving mothers' housing problems and covering legal aspects of maternity protection.

4. Kazakhstan should expand the rights of mothers. In this regard, one should consider the experience of Germany and France. There, the most important rights of mothers include receiving payments from the state which cover medical services provided to both working women and unemployed ones, protection of the rights of non-working mothers, providing parental leave not only to mothers, but fathers as well.

5. To promote maternity protection in Kazakhstan it is necessary to improve the practices of shared childcare by both parents. For example, today insurance payments on maternity leave are paid only to the child's mother, and

only in case of her death is it granted to the father. Parental leave may also be given only to one of the parents. We believe that in this respect it is necessary to consider the issues of gender balance as well.

## 4.6 Challenges of Women's Rights Protection in the Republic of Kazakhstan

In many respects, motherhood depends on the living conditions of women in the family, social independence and material well-being of a woman. The current position of a woman in society suggests that a woman, despite all legal measures of the state, is still subject to violence in the community, and even worse one at home.

As stated in item 4 of the plan of action devised by the General Prosecutor's Office on the implementation of the Action Plans for the implementation of paragraph 2 of the minutes of the fifth session of the Interdepartmental Commission on International Humanitarian Law and International Human Rights Treaties of November 07, 2007, No. 5 and 6 and Section 1 of the List of Analytical Work Activities approved by the Chairman of the Committee on Legal Statistics and Special Records of the General Prosecutor of the Republic of Kazakhstan No. 38 of April 10, 2015, the Committee on Legal Statistics and Special Records of the General Prosecutor's Office analyzed the statistical data on violence against women and children in the country over 9 months of 2015 compared to the same period in 2014.

The analysis is based on statistical data report, form No. 1-M "On registered criminal offences" covering 9 months in 2015 and focuses on the criminal offences involving violence, as stated in Articles 99-102, 104-109, 110-115, 120-123, 125-128, 132-135, 149, 191-192, 194, 201, 248, 293, 308 of the Criminal Code (January 01, 2015) since most modern dictionaries define violence as "the use of force or power, coercion on someone".

Due to the introduction of a new criminal and criminal procedural law and the concept of a criminal offence which implies criminal offences and crimes, as well as the radical change in the criminal law procedure which eliminates the stage of pre-investigation checks and opening a criminal investigation, it is impossible to compare this figure with that for the same period over last years.

During the first 9 months of 2015 the Unified Register of Pre-Trial Investigations reported a total of 48,696 criminal offences against women (*for 9 months of 2014 – 101,737 which means a reduction in 52.1%*) or **0.5%** of

the total population (9 million women). Of which, there were **9,425** criminal offences involving violence.

In Kazakhstan, there was a rise in crime of **20%** over the first 9 months of 2015 (from 257,504 in 2014 to 308,879 in 2015), whereas the overall crime rate in the country remains stable. Along with the reduction of 52.1% of criminal offences against women, there is a decrease of **28.3%**, or from 13,142 to **9,425** criminal offences related to violence against women. Analyzing the level of violence against women we considered the figures of population in regions and the whole country.

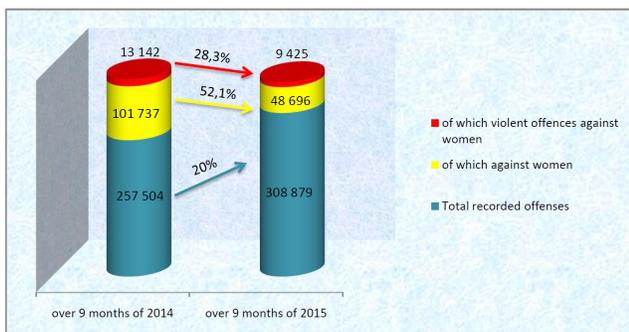


Figure 1. Dynamics of criminal offences against women.

Among the regions, the worst situation is registered in Karaganda (9,064), Almaty (4,569), Kostanay (4,197), South Kazakhstan (4,176) regions and the city of Almaty (4,110). The lowest number of criminal offences against women was registered in Atyrau (718), Kyzylorda (1054), and Mangystau regions (1120).



Figure 2. Dynamics of criminal offences against women by region.

The decrease in criminal offences in this category is observed in almost all regions of Kazakhstan. Of these, 80.3% in Almaty (from 20,842 to 4,110), in Astana – 72.4% (from 6,956 to 1,921), and in such regions as Kyzylorda – 72.3% (from 3,810 to 1,054), Aktobe – 70.7% (from

5,509 to 1,611), Atyrau – 69.7% (from 2,373 to 718), East Kazakhstan – 60% (from 8,248 to 3,298).

However, at present moment this dynamics of crimes against women does not provide an objective reflection on the real increase in crime since most cases remain latent.

The main reason for the increase in the criminal offences registration is a change in the procedure of their registration, which resulted from the introduction of the new Criminal Procedure Law, namely the elimination of conducting pre-investigation checks.

## 5. Conclusion

Having analyzed the legislation and the situation with crime against women in the Republic of Kazakhstan related to maternity protection, we can conclude that it complies with international standards and the country has ratified the major international instruments in this field. However, despite the measures taken, the issue of maternity protection requires further improvement, and there are still unsolved problems affecting motherhood, chifcient practices of shared childcare, taking into account gender balance.

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