

Silenced by Law: Gender Neutrality and Legal Invisibility in Kazakhstan's Domestic Violence Framework

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Abstract

This paper examines how Kazakhstan's domestic violence legislation reproduces gendered harm under the guise of legal neutrality. Although the 2024 legal amendments restored criminal penalties for battery and intentional infliction of minor harm and require police to investigate domestic abuse, domestic violence remains not defined as a standalone criminal offense, and administrative measures with fines or brief detention continue to be applied. Drawing on feminist legal theory, this study asks: how does gender-neutral legal framing obscure structural violence, and how do victims and feminist actors resist this invisibility? The research combines doctrinal analysis of Kazakhstan's domestic violence legislation (2009–2024), parliamentary debates, and enforcement mechanisms with qualitative interviews conducted with victims, legal advocates, and NGO workers. Using feminist critical discourse analysis, the paper demonstrates how sanctions often shift economic burdens onto victims while preserving state narratives of “family unity” and social stability. Preliminary findings indicate that legal reforms framed as progressive continue to prioritize maintaining social order over providing effective protection for victims, particularly within a semi-authoritarian political context that restricts feminist mobilization, public advocacy, and media coverage. By situating Kazakhstan within broader feminist legal scholarship, this paper contributes a post-Soviet perspective to ongoing debates on gender, state power, and legal silencing. It argues that without recognizing domestic violence as structurally gendered and intersectional, legal reform risks reproducing the very harms it claims to address, leaving victims socially, economically, and legally marginalized while reinforcing patriarchal control.

Keywords: Domestic Violence; Feminist Legal Theory; Gender Neutrality; Kazakhstan; Legal Reform