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ANALYSIS OF CONDITIONS OF DETENTION OF WOMEN IN PLACES OF IMPRISONMENT: NATIONAL LEGISLATION, INTERNATIONAL STANDARDS AND PRACTICAL RECOMMENDATIONS

Abstract. The article presents a comprehensive analysis of the legislation of the Republic of Kazakhstan regulating the conditions of detention for women in places of deprivation of liberty, including women with minor children. The author examines the degree of compliance of national legal acts with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the Bangkok Rules, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The Penal Execution Code of the Republic of Kazakhstan provides for special conditions of detention: enhanced food rations, access to medical care, adapted living conditions, and social support measures. However, monitoring results show that these guarantees are only partially implemented in practice. Correctional facilities face limited funding, a shortage of qualified personnel, and poor sanitary conditions. These issues are particularly acute for pregnant women and mothers with children.

There is also serious concern regarding the limited access to mechanisms of parole and the replacement of sentences with more lenient forms. Although such measures are provided for in Articles 72 and 73 of the Criminal Code of the Republic of Kazakhstan, their application is hindered by the mandatory requirement of full compensation for material damage. For women without financial support, this requirement becomes an insurmountable barrier, depriving them of a real chance at early release.

Thus, despite the existence of formal legal guarantees, their practical implementation with respect to women requires systemic improvement. Enhancing the effectiveness of law enforcement, improving detention conditions, and eliminating social barriers are key steps toward aligning national practices with international standards.

Keywords: legislation, detention conditions, women prisoners, human rights, international standards, probation, penitentiary system.

Introduction

The issue of conditions of detention for women in places of imprisonment of liberty in the Republic of Kazakhstan remains one of the key challenges for the penal system and the state's human rights policy. Despite the measures taken to modernize the penal legislation, there remain signifi-

cant gaps related to the protection of the rights of women prisoners, the level of their medical and psychological care, as well as access to rehabilitation and social adaptation programs after serving their sentences. Contemporary international standards for the enforcement of penalties require consideration of gender aspects and the

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creation of conditions that reduce recidivism among women serving sentences.

The protection of the rights of emerging women is especially relevant in the context of Kazakhstan's international commitments, including ratified treaties such as the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the Bangkok Rules, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). These documents contain key provisions aimed at protecting the rights of female inmates, supporting their rehabilitation, and ensuring access to adequate medical and social services.

Special attention is required for the situation of imprisoned women with children. The issue of accommodating children in correctional institutions and ensuring their rights to proper development and upbringing in a nurturing environment remains unresolved. In most cases, the conditions of detention do not meet the standards for the well-being of both mothers and their children. In practice, imprisoned women face the risk of being separated from their children, a lack of specialized programs for parenting and adaptation, and an absence of infrastructure for cohabitation with children in prisons.

Additionally, the inadequate level of medical care particularly in the fields of gynecology, psychology, and reproductive health poses a serious concern. Female inmates often lack timely access to qualified medical services, which can lead to chronic illnesses, deteriorating health, and negative consequences for both their physical and mental well-being. Underfunding of correctional institutions, a shortage of medical personnel, and limited access to specialized care exacerbate the problem and increase health risks for women in prison.

Another significant issue is the social reintegration of women post-release. Many of them face difficulties with employment, social stigma, and a lack of support from both the state and society. The absence of rehabilitation programs and mechanisms for social reintegration leads to high recidivism rates, highlighting the need for comprehensive measures to support their successful return to society. Introducing alternative sentences, strengthening vocational training

programs, and expanding social support services could play a key role in reducing recidivism among women.

This study aims to analyze the effectiveness of the existing legislation of the Republic of Kazakhstan concerning the conditions of detention for women prisoners, identify its shortcomings and inconsistencies with international standards, and develop proposals for its improvement. The research is based on comparative legal analysis, empirical studies, human rights reports, and international best practices, allowing for an objective assessment and specific recommendations for progress.

The implementation of mechanisms for protecting the rights of women prisoners, developing social rehabilitation programs, improving prison conditions, and ensuring transparency in the penitentiary system through civil oversight are essential directions requiring close governmental attention. Studying international experience, developing effective rehabilitation models, and applying modern reintegration methodologies can significantly improve the situation and enhance the effectiveness of sentence enforcement in Kazakhstan. Thus, the results of this study may contribute to the development of strategies for reforming the penal system and establishing a comprehensive approach to protecting the rights of imprisoned women.

The modern penitentiary system of the Republic of Kazakhstan is undergoing a process of reform; however, the protection of the rights of imprisoned women remains insufficiently developed and requires increased attention from the academic community, government authorities, and human rights organizations. International human rights standards, including the Nelson Mandela Rules and the Bangkok Rules, emphasize the need to provide gender-specific conditions of detention, taking into account women's psychological, medical, and social needs. Nevertheless, national legislation still contains gaps that hinder the effective implementation of these principles. Historical studies indicate that Kazakhstan's penal system was shaped in the early 20th century on principles not adapted to the needs of women, particularly mothers an infrastructural legacy that continues to

constrain contemporary women's correctional facilities [1].

One of the most pressing issues is the provision of adequate medical care for women in prison, including access to specialized services in gynecology and reproductive health. According to statistical data, a significant proportion of women in detention suffer from health conditions requiring regular medical supervision, yet such services are provided only to a limited extent in Kazakhstan's correctional facilities. Insufficient funding of the penitentiary system, a shortage of qualified specialists, and the absence of targeted programs leading to deteriorating health among female prisoners, in clear contradiction to international standards for the treatment of imprisoned persons.

Another critical issue is the lack of effective social reintegration programs for women released from prison. High recidivism rates among former imprisoned women are largely due to the absence of post-release support mechanisms, social stigma, and difficulties in securing employment. In most cases, women do not have access to vocational training and social adaptation programs, reducing their chances of successful reintegration into society.

The rights of imprisoned mothers further underscore the urgency of this issue. Despite existing provisions that allow mothers to keep their children with them in prison until the age of four, the actual conditions for raising and developing children in correctional facilities are far from optimal. The limited availability of dedicated children's spaces, a lack of qualified caregivers, and the absence of psychological support programs create adverse environments for both mothers and their children.

Therefore, the need to improve national legislation, develop comprehensive support programs for women in prison, and adapt international standards to Kazakhstan's context make this study highly relevant. This work provides a detailed analysis of the legal framework, identifies problematic aspects of its implementation, and formulates proposals for improving the conditions of detention for women in line with modern international approaches.

Materials and methods

This study employs an interdisciplinary approach that combines comparative legal analysis, empirical research and the study of international practices in regulating women's conditions of detention. To assess the effectiveness of the legislation in force in the Republic of Kazakhstan, the study includes an analysis of legal regulatory acts governing the penitentiary system, for example, the Penal Execution Code, the Law «On Probation» and relevant subordinate acts issued by the Ministry of Internal Affairs.

The methodological basis of the study includes an analysis of the content of law enforcement documents, court decisions and reports of human rights organizations, which allows to identify the main problems in the application of sanctions against women. The study also includes a comparative analysis with international standards such as UN documents, Bangkok Rules and the CEDAW convention, which made it possible to assess the degree of their implementation in national practice.

The empirical part of the study is based on the study of statistical data on the number of female prisoners, their age composition, health status and conditions of detention in correctional institutions. Domestic researchers have pointed to the erosion of correctional and educational work in Kazakhstan's penitentiary institutions. For example, Zhamuldinov (2005) emphasizes that the decline of such practices undermines the primary goal of rehabilitation, especially in the case of incarcerated mothers [2; p. 57]. The work also used interviews with experts in the field of the prison system, human rights activists and lawyers working with convicted women, which allowed us to get an objective picture of the current situation.

Thus, the use of a comprehensive methodological framework ensures a thorough analysis of the problem and makes it possible to draw up practical recommendations for improving the conditions of detention of women in Kazakhstan's correctional institutions.

Results and discussion

The analysis of conditions of detention for women in places of imprisonment in the Republic of Kazakhstan remains

one of the most urgent issues in contemporary penal practice, requiring close attention not only from legislators but also from the academic community. Despite Kazakhstan having signed key international agreements such as the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women and committing to protect the rights of vulnerable groups, the formal guarantees outlined in the Penal Execution Code (PEC) and related normative documents are often not implemented in practice. This problem is particularly acute in relation to pregnant women and mothers raising young children within correctional institutions.

According to Skakov (2017), al-

though Kazakhstan's criminal executive legislation includes progressive provisions, their implementation remains largely formalistic, lacking gender-specific operational mechanisms in practice [3].

On paper, the legislation provides for a number of measures that can meet the needs of women: increased nutritional standards, special accommodation for mothers with children, the possibility of regular medical examinations, as well as the use of mechanisms for parole and replacement of the unserved portion of the sentence (RUPS) if the crime is not serious. However, the practice of monitoring women's colonies shows that many institutions face numerous problems.

Table 1. Institutions, their years of foundation and types of security

Institution	Year of foundation	Region	Type of security
№10 (village Zhaugashty, Almaty region, «Children's home»)	1937	Almaty region	Medium security
№23 (OB-156/21)	2002	Abay region	Medium security
№32	1937	Karaganda region	Medium security
№50	1964	North Kazakhstan region	Medium security
№78	1967	Shymkent	Maximum security
№79	2009	Atyrau region	Medium security

Currently, six women's correctional institutions operate in Kazakhstan, located in the Abai, Almaty, Atyrau, Karaganda, and North Kazakhstan regions, as well as the city of Shymkent. All are designated as medium-security facilities, with the exception of Institution No. 78 in Shymkent, which is classified as maximum security.

Most of the facilities were built during the Soviet period (1930 – 1960s), which results in significant deterioration of the infrastructure and the initial design for the needs of the male contingent, which results in their poor suitability for the maintenance of women, especially mothers with children (there are no sanitary and hygienic blocks, no equipped rooms for leisure, raising children or psychological relief). This situation is rooted in the historical development of

the penal system in Kazakhstan, which, as research indicates, evolved primarily around the needs of male prisoners in the early 20th century. Consequently, many existing facilities were never designed to accommodate the gender-specific needs of women, especially mothers with children [2, p. 57-58]. Only institution No. 10 in the Almaty region is equipped with a Children's Home, where women can live together with their young children. The other institutions do not provide such an opportunity, which forces mothers to separate from their children, violating both the rights of the woman and the rights of the child. This contradicts international standards, including the provisions of the Bangkok Rules and the Convention on the Rights of the Child.

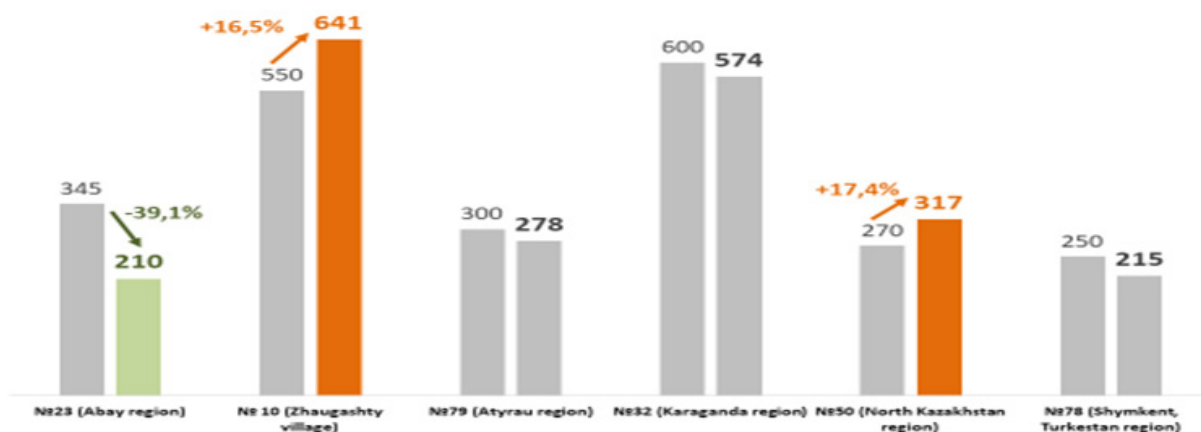


Diagram 1. Comparison of the established limit and the actual number of convicts

An analysis of facility capacities versus actual occupancy reveals that at least two colonies exceed their designated limits (for example, those in the Almaty and North Kazakhstan regions). This overcrowding, combined with outdated infrastructure and staffing shortages, exacerbates the situation. Furthermore, by the end of 2024, 15 women with children and 8 pregnant women are expected to be transferred to the Zhaugashty institution. Almost all facilities report vacancies in security and medical departments, which undermine the implementation of existing legal guarantees. All of these issues highlight the urgent need for systematic reform of women's correctional institutions in Kazakhstan, taking into account international standards, gender-specific needs, and the principle of penal humanization.

In addition, statistics for 2024 show that there is less than one qualified health worker for every 100 women in correctional facilities, and regular consultations with obstetricians or pediatricians are extremely irregular due to the remoteness of the colonies and lack of resources. These findings are consistent

with recent studies [4], which provide data on the impact of inadequate medical care on recidivism rates and the exacerbation of psychophysiological problems among female prisoners.

In addition to infrastructural shortcomings, a serious issue lies in the inconsistent application of legal mechanisms for mitigating sentences. According to Article 163 of the PEC of the Republic of Kazakhstan, a woman serving a prison sentence may request a deferral if she is pregnant or has a young child. However, in practice, courts frequently deny such petitions, citing the requirement for full compensation of damages as a condition that is often unattainable for imprisoned women lacking financial resources. As a result, the possibility of early release is effectively blocked, even in cases where the committed offense poses no threat to society. These findings are supported by studies [5] emphasizing the need for a flexible approach to parole petitions, one that considers the actual capacity of the convicted woman and the best interests of the child.

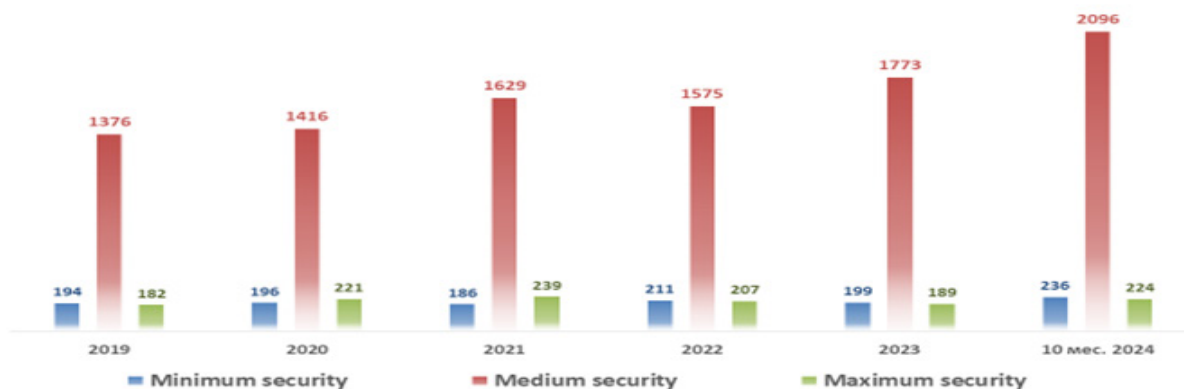


Diagram 2. Number of women serving sentences (by type of institution)

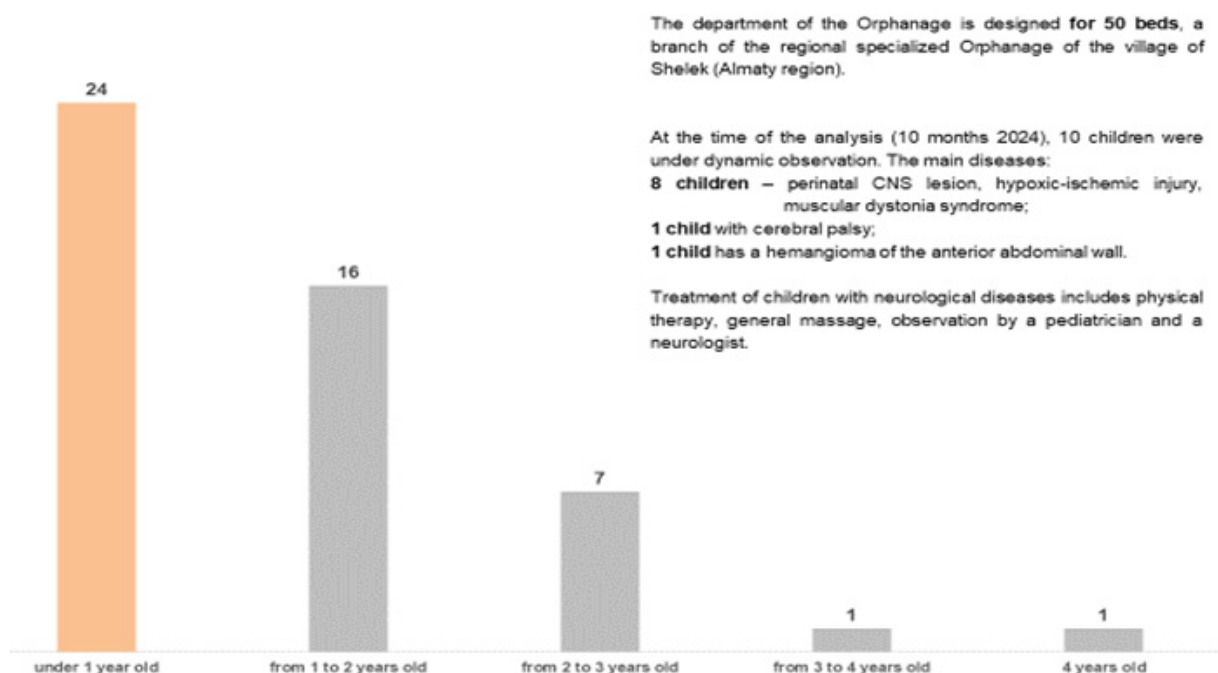


Diagram 3. Number of children in the Children's Home at the PES institution

The problem of underdeveloped rehabilitation programs also remains extremely relevant. Specially designed courses aimed at improving parenting skills, professional training, psychological and legal support in the PES is practically absent in most colonies. Moreover, according to surveys of correctional facility employees conducted in Kazakhstan, only about 25-30% of institutions have rehabilitation programs capable of providing systemic support to women after release. The relevant discussion is being conducted among specialists, and in particular, on the basis of the work in which the authors Bloom, Owen and Covington (2003) [6] emphasize the importance of gender-specific approaches for the successful rehabilitation of female prisoners. These approaches include structured programs aimed at psychological adaptation and professional training, which can significantly reduce the risk of recidivism.

Moreover, the issue of oversight in correctional institutions is crucial. Although oversight commissions formally exist, many operate with insufficient transparency, and the results of inspections are rarely made public. This lack of civil oversight hinders the timely identification and correction of violations related to inadequate medical services, overcrowding, and the absence of rehabilitation programs. Strengthening independent oversight and increasing

transparency in the operation of penal institutions could greatly improve conditions, as violations would be identified and addressed more swiftly.

Another important aspect is the dissemination of legal information to women in prison. Many are unaware of their rights under both national legislation and international standards. Regular legal consultations, the distribution of educational materials, and independent awareness campaigns could help inmates better understand how to file complaints or petitions for reduced sentences. In this context, cooperation with child protection authorities is also vital. These bodies must continuously monitor the condition of children living in correctional facilities and ensure that proper developmental conditions are provided.

International experience demonstrates that countries such as Norway, Germany, and Canada apply comprehensive approaches to the detention of women in penitentiary institutions. These include not only high-quality medical care but also effective alternative sentencing programs. For example, some European countries have «family units», where women serve their sentences under less restrictive conditions and can maintain close relationships with their children. Covington's research [7] emphasizes that such models contribute to reduced recidivism and improved post-re-

lease social adaptation. The experience of these countries illustrates that successful reintegration of female inmates depends not only on the formal observation of standards but also on the creation of conditions that preserve their human dignity and family ties.

Conclusion

In conclusion, despite the existence of formally enshrined norms, the implementation of which should ensure the protection of the rights of pregnant women and mothers with young children, there is a significant gap between the documented standards and actual practice in correctional institutions of Kazakhstan. To eliminate these shortcomings, it is necessary to take a set of measures: increase funding for colonies, provide a sufficient number of qualified medical and social personnel, review the judicial and prosecutorial practice of applying parole and RUPS measures, adapting them to the specifics of motherhood, and strengthen the system of public control through independent monitoring commissions and human rights organizations. The implementation of such measures will not only bring practice closer to international standards, but also create conditions conducive to the successful socialization of women and their children after release, which is of paramount impor-

tance for the sustainable development of society.

These findings and proposals are based on data obtained from official sources of authorized state bodies, as well as on the results of monitoring conducted among correctional institutions and on scientific research published in international journals, for example, in the article [4]. Earlier research by the Legal Policy Research Centre (2008) also drew attention to the disjunction between law and implementation. Their analytical report on Kazakhstan's penal system emphasized chronic underfunding, gaps in personnel training, and the lack of gender-specific policies despite the existence of legislative guarantees¹.

These real works emphasize that the integration of gender-specific approaches and adaptive punishment measures has a positive impact on the resocialization of women and reduces the risk of re-offending. In summary, a comprehensive approach based on increased funding, review of judicial practice, development of specialized programs and strengthening of public control is a key element of reforming the penitentiary system of Kazakhstan, which will significantly improve the conditions of detention of female prisoners and their children, in line with both national and international obligations.

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БАС БОСТАНДЫҒЫНАН АЙЫРУ ОРЫНДАРЫНДА ӘЙЕЛДЕРДІ ҰСТАУ ЖАҒДАЙЛАРЫН ТАЛДАУ: ҰЛТТЫҚ ЗАҢНАМА, ХАЛЫҚАРАЛЫҚ СТАНДАРТТАР ЖӘНЕ ПРАКТИКАЛЫҚ ҰСЫНЫМДАР

Аннотация. Мақалада бостандықтарынан айырылған әйелдерді, соның ішінде кәмелетке толмаған балалары бар әйелдерді ұстау шарттарын реттейтін Қазақстан Республикасының заңнамасына кешенді талдау ұсынылған. Автор ұлттық нормативтік құқықтық актілердің Біріккен Ұлттар Ұйымының Сотталғандарға қатысты Міндетті Ең төменгі стандарттық ережелері (Нельсон Мандела ережелері), Бангкок ережелері және Әйелдерге қатысты кемсітудің барлық нысандарын жою туралы конвенция (CEDAW) сияқты халықаралық стандарттарға сәйкестік дәрежесін қарастырады.

Қазақстан Республикасының Қылмыстық-атқару кодексінде ұстаудың арнайы шарттары көзделген: тамақтанудың күшейтілген нормалары, медициналық көмекке қолжетімділік, тұрмыстық жағдайлардың бейімделген түрі және әлеуметтік қолдау шаралары. Алайда мониторинг нәтижелері бұл кепілдіктердің тәжірибеде ішінара ғана іске асырылатынын көрсетеді. Мекемелер жеткіліксіз қаржыландырумен, білікті мамандардың тапшылығымен және қанағаттанарлықсыз санитариялық жағдайлармен бетпе-бет келеді. Бұл мәселелер, әсіресе, жүкті әйелдер мен балалы аналарға қатысты өткір байқалады.

Уақытынан бұрын шартты түрде босатуға және жаза мерзімін жеңіл түріне ауыстыру тетіктеріне қолжетімділіктің шектеулі болуы да ерекше алаңдаушылық туғызады. Мұндай шаралар Қазақстан Республикасының Қылмыстық кодексінің 72 және 73-баптарында көзделгенімен, оларды қолдану материалдық зиянды толық өтеу талабымен қиындайды. Қаржылай қолдаудан айырылған әйелдер үшін бұл талап еңсерілмейтін кедергіге айналып, оларды мерзімінен бұрын босату мүмкіндігінен айырады.

Осылайша, формалды құқықтық кепілдіктердің болуына қарамастан, оларды әйелдерге қатысты тәжірибеде іске асыру жүйелі түрде жетілдіруді қажет етеді. Құқық қолдану тиімділігін арттыру, ұстау жағдайларын жақсарту және әлеуметтік тосқауылдарды жою – ұлттық практиканы халықаралық стандарттарға сәйкестендіру жолындағы басты қадамдар болып табылады.

Түйінді сөздер: заңнама, ұстау шарттары, қамаудағы әйелдер, адам құқықтары, халықаралық стандарттар, пробация, пенитенциарлық жүйе.

АНАЛИЗ УСЛОВИЙ СОДЕРЖАНИЯ ЖЕНЩИН В МЕСТАХ ЛИШЕНИЯ СВОБОДЫ: НАЦИОНАЛЬНОЕ ЗАКОНОДАТЕЛЬСТВО, МЕЖДУНАРОДНЫЕ СТАНДАРТЫ И ПРАКТИЧЕСКИЕ РЕКОМЕНДАЦИИ

Аннотация. В статье комплексный анализ законодательства Республики Казахстан, регулирующего условия содержания женщин в местах лишения свободы, в том числе женщин с несовершеннолетними детьми. Автор рассматривает степень соответствия национальных правовых актов международным стандартам, включая Минимальные стандартные правила обращения с заключенными (Правила Нельсона Манделы), Бангкокские правила ООН, а также Конвенцию о ликвидации всех форм дискриминации в отношении женщин (CEDAW).

Уголовно-исполнительный кодекс Республики Казахстан предусматривает специальные условия содержания: повышенные нормы питания, доступ к медицинской помощи, адаптированные бытовые условия и меры социальной поддержки. Тем не менее, результаты мониторинга показывают, что на практике эти гарантии реализуются частично. Учреждения сталкиваются с ограниченным финансированием, нехваткой квалифицированного персонала и неудовлетворительным санитарным состоянием. Особенно остро проблемы проявляются в отношении беременных женщин и матерей с детьми.

Отдельную обеспокоенность вызывает ограниченный доступ к механизмам условно-досрочного освобождения и замены наказания более мягким видом. Хотя такие меры предусмотрены статьями 72 и 73 Уголовного кодекса Республики Казахстан, их применение осложняется обязательным требованием полного возмещения материального ущерба. Для женщин без финансовой поддержки такое требование становится непреодолимым препятствием, лишаящим их реального шанса на досрочное освобождение.

Таким образом, несмотря на наличие формальных правовых гарантий, их практическая реализация в отношении женщин требует системного улучшения. Повышение эффективности правоприменения, улучшение условий содержания и устранение социальных барьеров, то есть ключевые шаги на пути к приведению национальной практики в соответствие с международными стандартами.

Ключевые слова: законодательство, условия содержания, женщины-заключенные, права человека, международные стандарты, пробация, пенитенциарная система.

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