

ABSTRACT

to the dissertation of Bissenova Talandy Elumagambetovna on the topic:
"Imprisonment of Women (Criminological and Penal Aspects)", prepared for the
degree of Doctor of Philosophy (PhD) in the educational program 8D12301 – "Law
Enforcement"

The dissertation research is devoted to a comprehensive penal enforcement and criminological analysis of issues related to the execution of sentences in the form of imprisonment with respect to women, carried out taking into account the modern needs for the further humanization of the imprisonment process as applied to women, who represent a penitentiary minority with special needs determined by their biological (sex) and social (gender) characteristics.

The research conducted represents an in-depth theoretical review of the current legislation of the Republic of Kazakhstan, as well as theoretical studies on the issues of the enforcement aspects of imprisonment in institutions of the Penal Correction System (PCS) designated for serving sentences by women. In this regard, the criminological aspect of the study performs an auxiliary function to ensure a more reliable and profound analysis of the main penal enforcement aspects.

Taking into account the choice of the gender-differentiated approach as a key specific research method, the dissertation addresses a significant range of issues related both to systematizing the penal enforcement status of women in places of imprisonment, its further justified specification, and eliminating unjustified gender disparities in relation to men sentenced to imprisonment.

Relevance of the research topic.

The issues of humanizing the penal policy of the Republic of Kazakhstan remain relevant to this day, given the significant positive results the country has achieved in reducing the "prison population" index. According to current data, from ranking third in the world in the early 1990s in terms of the number of convicted persons held in penitentiary institutions per 100,000 population, Kazakhstan has moved to 95th place globally in terms of the proportion of persons sentenced to imprisonment per 100,000 population. A proportional decline has also occurred with respect to convicted women held in places of deprivation of liberty.

At the initial stage, humanization measures were based on the most accessible forms and methods, aimed at all categories of convicts regardless of gender, age, or other personal characteristics. At present, taking into account the experience already accumulated, the achievement of certain results, and the relative stabilization of the current state of the penal system of the Republic of Kazakhstan, the focus should shift to more specific issues and the search for additional resources to deepen an individually differentiated approach to the process of serving sentences in places of deprivation of liberty.

Women sentenced to imprisonment constitute a distinct relevant group and are the recipients of a number of legal provisions that indicate a fixed gender asymmetry in the current penal legislation of the Republic of Kazakhstan (housing and living arrangements, specifics of labor engagement, permission to leave the facility, etc.). This is due to the need to consider not only the standard factors related to the

assessment of the committed crime but also the specific social parameters of the female convict's personality, which are necessarily correlated with the general legal status of women in Kazakhstani society.

At the same time, Kazakhstan currently lacks a programmatic document in the penal enforcement system that would encompass both unified directions and specific infrastructural and socially oriented aspects of sentence execution with respect to certain categories of convicts, including women. In many international standards related to the imprisonment of convicted women, they are the addressees of specific rules that take into account their gender-role functions in society, as well as particular physiological, medical, socio-psychological, and other needs.

In recent years, the issue of serving prison sentences by women with children was, for the first time, raised by the Head of State, K.-Zh.K. Tokayev, at the fourth meeting of the National Kurultai in March 2025. Responding to public and expert community requests, K.-Zh.K. Tokayev stated: "All persons in places of deprivation of liberty, regardless of gender, are equal before the law. However, guided by humanitarian considerations and without violating the principle of 'Law and Order,' we could reconsider legal approaches toward women with minor children".

According to the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, the number of convicted women in Kazakhstan decreased drastically between 2000 and 2025. In 2000, there were 8,014 convicted women; in 2020, the number was 2,646; and by early 2025, it had dropped to 2,234 — a threefold reduction. This reduction occurred steadily, with some temporary increases recorded between 2014–2017, and in 2020 compared to 2019.

Quantitative changes in the share of convicts always lead to changes in the qualitative characteristics of those held in places of deprivation of liberty. At present, against the backdrop of the declining "prison population" in the Republic of Kazakhstan, there has been a noticeable deterioration in the qualitative composition of those sentenced to imprisonment (predominantly those convicted of serious and especially serious crimes, repeat offenders, etc.). Similar changes are observed among convicted women serving prison sentences. However, accurate criminological and penal enforcement profiles have not yet been sufficiently compiled. Nevertheless, such data are a valuable source of socially significant information about the most dangerous segment of female criminality in the country (considering the application of the strictest type of punishment), as well as about the main problematic aspects of the imprisonment process.

The study of these aspects makes it possible not only to systematize information on contemporary female criminality in Kazakhstan but also to identify the most problematic areas related to sentence execution and the resocialization process of convicted women. In general, theoretical research specifically devoted to defining the legal status of women sentenced to imprisonment has not yet received final theoretical elaboration or full reflection either in the norms of penal enforcement legislation or in the practical work of penal institution staff.

Moreover, the special gender and gender-role function of women in society presupposes a specific approach in assessing and accounting for a number of factors

different from those relevant to other categories of convicts. In particular, issues related to the social institution of motherhood in relation to imprisoned women deserve special attention, as well as the associated issues of maintaining contact with children during incarceration, the functioning of institutions with in-prison childcare facilities, etc. These issues are becoming particularly acute against the backdrop of a diagnosed crisis of the family and traditional values, which affects not only the convicts themselves but also their children.

Given the advances in medicine and the implementation of state programs to ensure reproductive rights, the issue of revising certain norms and rules, including those concerning female convicts, is becoming increasingly relevant. In this regard, the specifics of reproductive expectations and the current reproductive status of imprisoned women should be taken as a basis (limited age range for exercising corresponding rights, prior social experience, presence of diseases requiring assisted reproductive technologies, etc.). The fact that motherhood for women in prison serves both as a stabilizing factor in the process of serving a sentence and as a motivating factor in the course of resocialization should be a guiding principle.

Accordingly, there is now an urgent need for an empirical study of the criminological and penal enforcement profile of the contingent of convicted women serving sentences in the institutions of the penal system of the Republic of Kazakhstan, as well as a theoretical analysis of international experience, successful foreign practices, national penal enforcement legislation, and the law enforcement activities of penal system personnel in the execution of imprisonment sentences for women. The research implies a deep revision of the norms of the penal enforcement legislation of the Republic of Kazakhstan, potential amendments to other legislative acts of the Republic of Kazakhstan, and the formulation of proposals for the development of infrastructural and socially oriented measures in this area, designed for the medium and long term.

Purpose and Objectives of the Study. The purpose of the dissertation research is to systematize and analyze the legislative, theoretical, and law enforcement aspects of the execution of imprisonment in relation to women in the Republic of Kazakhstan, as well as to formulate proposals for their further improvement based on up-to-date data on the criminological and penal characteristics of women serving sentences in the institutions of the penal enforcement system.

Achieving the stated purpose requires setting and solving the following objectives:

- to assess the most significant legal aspects of the essence of the process of executing punishment in the form of imprisonment in relation to women;
- to study the existing international legal standards regarding the serving of imprisonment sentences by women and evaluate the possibilities of their further implementation into national legislation;
- to analyze foreign experience in the legislative regulation and execution of imprisonment in relation to women, and to formulate proposals on the feasibility of its adoption within the context of the Kazakhstani penitentiary system;
- to examine the criminological characteristics of women serving imprisonment in the Republic of Kazakhstan;

- to assess the parameters of the penal characteristics of women serving imprisonment in the Republic of Kazakhstan;
- to evaluate the potential of the penal enforcement legislation of the Republic of Kazakhstan for its improvement in matters of executing imprisonment in relation to women, taking into account needs determined by their biological and social characteristics;
- to study possible directions for improving legislation and law enforcement practices of penal institutions designated for women serving imprisonment.

Methodology and Research Methods

The methodological framework and research methods were determined in accordance with the content of the set scientific objectives, with the methodological basis of the study comprising both general scientific and specific scientific research methods. The core of the research was formed by the universal dialectical method of understanding social phenomena and processes in their interrelation and interdependence, which made it possible to identify the social dilemmas of criminal punishment in the form of imprisonment in relation to the traditional understanding of the social role of women in society. The inductive–deductive method enabled a comparison of the general provisions regarding the execution of imprisonment and the specific conditions for serving this sentence by convicted women. The method of elimination provided the basis for substantiating the legitimacy of positive discrimination practices towards convicted pregnant women and women who have a child with them in a penal institution, as well as for identifying certain excessive gender disparities in relation to convicted men.

The method of systematization made it possible to assess the system of legislative regulation of all aspects of the execution of imprisonment with respect to women, and to identify gaps, inaccuracies, and legal conflicts. The modeling method was also actively used when justifying certain amendments to the provisions of the current legislation of the Republic of Kazakhstan, as well as in matters of law enforcement practice.

A key specific scientific method of the study was the gender-differentiated approach, which allowed for the appropriate application of techniques of universalization, differentiation, and positive discrimination in regulating the execution of imprisonment for women compared to similar provisions applied to convicted men. The system of specific scientific methods of the dissertation research also included: the comparative legal method – for analyzing the criminal-executive legislation of certain foreign countries; the standardization method – for comparing national criminal-executive legislation with the provisions of international legal instruments; the sociological method – for obtaining a reliable assessment of the studied system of social relations and increasing the validity of formulated conclusions and proposals; the formal-logical method – for clarifying legislative provisions and their unification, and for improving legislative drafting techniques in regulating certain aspects of imprisonment for women; content analysis of theoretical sources, publications in the mass media, and available information and communication resources – for analyzing expert assessments, law enforcement practice, and evaluating public attitudes on the researched topic; the method of constructive-critical analysis –

which enabled a research-based revision of theoretical developments on the studied issue; and others.

The scientific novelty of the dissertation research is determined by several factors.

First, the results of reforms of the criminal-executive system carried out in Kazakhstan in recent years, in connection with the humanization of criminal-executive legislation and policy, have led to a qualitative change in the contingent of convicted women serving sentences in places of deprivation of liberty. This change inevitably affects law enforcement practice as well.

Second, in recent years, the issues of differentiation of criminal-executive aspects in relation to convicted women have less frequently attracted the attention of researchers, despite the pronounced specific characteristics of this relevant group of persons sentenced to imprisonment. This circumstance necessitated addressing the existing deficit of empirical and theoretical research.

Third, to date, the full potential of the norms of criminal-executive and other legislation has not been utilized in the formulation of targeted provisions that take into account the gender and gender-role functions of women, which should be considered even during the serving of a prison sentence. A fundamentally new approach in the context of studying the specifics of executing imprisonment in relation to women is the substantiation of the method of positive discrimination in relation to a significant number of executive aspects applicable to this category of convicts. It is based on the recognition of convicted women as a penitentiary minority, for the protection of whose rights and legitimate interests certain elements of formal-legal inequality (benefits, concessions, preferences, etc.) are necessary to achieve actual equality.

The results of the study of criminological and criminal-executive aspects in relation to women held in the relevant institutions of the Penal Correctional System of the Republic of Kazakhstan formed a comprehensive understanding of the current qualitative and quantitative characteristics of the studied social group within the penitentiary society, and substantiated the proposed changes in legislation and law enforcement practice. A significant number of fundamentally new solutions have been justified, aimed at ensuring comparatively greater opportunities for convicted women to exercise their maternal functions during their stay in places of deprivation of liberty, as well as at introducing certain compensatory mechanisms to neutralize certain elements of gender-related disadvantage of male convicts.

In addition, the scientific novelty of the research lies in the development of a comprehensive mechanism for taking into account the special needs of convicted women, the neglect of which entails not only discrimination but also risks of ill-treatment. A mechanism has been designed for the full and comprehensive consideration of the motherhood factor as a significant social aspect having a decisive corrective effect, in which the necessary guarantees are strengthened while simultaneously introducing certain elements of responsibility for convicted women for the improper fulfillment of their maternal duties.

The novelty of the implemented dissertation research is mainly reflected in the following **main provisions submitted for defense**:

1. The process of imposing and executing a sentence of imprisonment in relation to women inevitably differs from the corresponding normative frameworks and mechanisms applied to men, and should be based not on unconditional humanism, but on a balanced consideration of the biological (sex-related) and social (gender-related) characteristics of female convicts. Ignoring these factors may lead to the infringement of their rights and legitimate interests. The most appropriate approach to building a fair and humane system for executing sentences of imprisonment with respect to women should be recognized as the method of positive discrimination, which makes it possible to take into account the needs of female convicts as a penitentiary minority in order to reduce potential risks of actual inequality arising under conditions of formal legal equality, due to the existence of specific material, psychological, medical, and other needs.

2. Based on the conducted sociological study in all institutions of the Penal Correction System intended for serving sentences of imprisonment by women, certain most typical parameters of the criminological profile have been confirmed and proposals have been formulated to address specific criminologically significant factors:

- The predominant age group is 30–39 years old (together with the 40–49 age group, it forms an overwhelmingly dominant majority); the highest percentage of sentencing to imprisonment has been recorded for crimes related to the illicit trafficking of narcotic drugs or psychotropic substances, as well as for violent crimes, including a large proportion committed against family members; there is a moderate prevalence of long prison terms (from 7 to 10 years and over 10 years); a pronounced criminologically significant factor in the criminal law profile of the committed offenses is the group method of committing the act, as well as the presence of alcohol or drug intoxication; the overwhelming majority of convicted women are serving a sentence of imprisonment for the first time;

- A presumption has been substantiated regarding the risks of wrongful sentencing of women to imprisonment due to the disregard of circumstances indicating possible necessary self-defense. In this regard, the proposal has been substantiated to include in the list of criminal cases considered with the participation of a jury all cases of charges under Article 102 and Article 112 of the Criminal Code of the Republic of Kazakhstan, as well as in cases involving Articles 99 and 106 of the Criminal Code of the Republic of Kazakhstan when the defense insists on the fact of acting in a state of necessary self-defense.

3. The penal enforcement status of women sentenced to imprisonment was assessed both in terms of identifying typical parameters of penal enforcement characteristics existing at the time of the study, and in terms of substantiating specific directions for its necessary adjustment:

- A significant share of social disadvantage factors was identified at the initial stage of the penitentiary period (low income or absence of independent income; single parenthood; history of traumatic experiences due to domestic violence; various forms of addiction). The overwhelming majority of inmates have one of the positive behavior ratings or no behavior rating at all, as well as two or more commendations from the institution's administration. A relative majority of convicts

have been subjected to disciplinary penalties at least once; however, cases of placement in a punishment cell (DISO) or transfer to solitary confinement are isolated. The majority of convicted women, at the time of sentencing, have secondary vocational education, are not married, and have at least one minor child. A significant portion of convicts subjectively report no positive changes in their life situation except for obtaining education and vocational training, and overcoming addictions. Among the factors in which the most significant negative changes were recorded are deterioration in physical health and psychological well-being, as well as the absence of positive expectations and goals;

- To achieve a clearer specification of the penal enforcement status of women sentenced to imprisonment, it is necessary to remove from Part 8 of Article 132 of the Criminal Executive Code of the Republic of Kazakhstan the possibility of transferring a convicted pregnant woman to solitary confinement or placing her in a disciplinary isolation cell if, at the time of the disciplinary penalty, she has not yet been granted maternity leave, and to extend the corresponding prohibition to the entire period of pregnancy.

4. Maintaining certain elements of gender disparity within the institution of deferred sentence execution should be recognized as justified and as reflecting the actual predominance of the maternal factor in the upbringing of young children. In order to achieve a more effective and flexible mechanism for applying deferred sentence execution, the need for supplementary and corresponding amendments is substantiated as follows:

- supplement the circumstances excluding the possibility of applying deferred sentence execution by indicating the commission of a serious or particularly serious crime against the interests of the family and minors, and additionally amend Article 74 of the Criminal Code of the Republic of Kazakhstan (CC RK) with the following provision: "Deferral shall not be applied in any case of committing a crime against the interests of the convicted person's own minor children, regardless of the category of the crime";

- To bring the provisions concerning the grounds and procedure for granting a deferral of sentence execution in Article 74 of the Criminal Code of the Republic of Kazakhstan (CC RK) and Article 163 of the Penal Enforcement Code of the Republic of Kazakhstan (PEC RK) into full conformity, uniformly reflecting all material grounds for granting such deferral directly in Article 74 of the CC RK;

In order to encourage further positive changes in convicted persons, it is proposed to provide the possibility of reapplying for a deferral on the same material grounds in the event of changes in their personal life circumstances, for which purpose Article 74 of the CC RK should be supplemented with a new part as follows:

"A convicted person (male or female) during the execution of a criminal sentence shall have the right to reapply for the granting of a deferral if the grounds specified in part 1 of this Article remain and the prohibitions established by the same part of this Article are absent."

5. Identified excessive gender disparities prevent convicted men from exercising their equal right to parenthood while serving a sentence of imprisonment. These disparities should be neutralized through the adoption of the following

organizational and legal measures:

- Standardizing the regulations concerning the temporary release of convicted persons beyond the facility to meet with their children, ensuring equal treatment of convicted women and men who are the sole parent of a child;

- Considering the absence of objective grounds for altering the parental status of a father whose child remains with the convicted mother in a penitentiary institution, it is proposed to enshrine in the Criminal Executive Code of the Republic of Kazakhstan the following provision:

“The father of a minor child residing in the children’s home of a penitentiary institution shall have the right to long-term visits regardless of the mother’s consent, subject to the periodicity established by mutual agreement between the parents, the guardianship and trusteeship authority, or the court”;

- Given the absence of social grounds for depriving a convicted man who is the sole parent of the right to personally raise his child until the age of 3 (with the possibility of extending the child’s stay until the age of 4), it is necessary to create appropriate infrastructure in certain institutions, by analogy with penitentiary facilities designed for women serving sentences of imprisonment.

6. Taking into account international standards, positive elements of foreign penitentiary practices regarding women, as well as achievements in science and medicine, certain additional positive-discriminatory amendments and additions to the legislation are substantiated:

- the establishment of a separate chapter in the Criminal Executive Code of the Republic of Kazakhstan (CEC RK) concerning the specifics of the execution of sentences in relation to women;

- taking into account the broader consideration of the motherhood factor recommended by international standards and the need to ensure contact with children, provide for the possibility of at least two short-term trips outside the institution for a convicted woman to visit her minor children during the year (extending this provision to convicted men who are the sole parent of a minor child);

- accelerating the actual implementation of preferential conditions for serving a sentence with the possibility of residing in an area adjacent to the institution of the penal correction system, establishing convicted women with minor children as the primary beneficiaries of this practice;

- increasing the possible extension period for a minor child to stay with a convicted mother in a penal institution from one year to two years, subject to the grounds established by the CEC and provided that such a decision is in the best interests of the child;

- including in the legal status of a convicted woman of reproductive age the "right to motherhood," which presumes the creation of a mechanism for access to assisted reproductive technologies (ART) equal to the right of women living in conditions of physical freedom;

- introducing amendments to the Internal Rules of Penal Institutions regarding consideration of cyclical changes in the bodies of women of reproductive age in the norms regulating issues of water hygiene; the ability to have necessary hygiene items constantly at hand, etc.;

- introducing into the practice of staffing penal institutions intended for women serving prison sentences the requirement that at least 50% of the management staff be female employees.

7. Given the exceptional significance of the motherhood factor in legislative and law enforcement practice addressed to women sentenced to imprisonment, it is necessary to:

- In the internal documents of the Ministry of Internal Affairs concerning educational work with women sentenced to imprisonment, provide for habilitation of maternal skills as an independent type of psychological support in cases of their absence or deformation;

- Introduce the practice of establishing a separate preventive register for pregnant convicted women and convicted women who have young children with them in the penitentiary institution, who have previously demonstrated patterns of improper or cruel treatment of children, or have been convicted of criminal offenses against their own children, as well as those who neglect their maternal duties toward children left in the institution's orphanage;

- Include representatives of guardianship and custodianship authorities among those entitled to visit penitentiary institutions housing young children without special permission;

- Supplement Part 1 of Article 131 of the Criminal Executive Code of the Republic of Kazakhstan with a new disciplinary sanction formulated as follows: "A warning to a convicted woman about the inadmissibility of negligent attitude toward parental duties in respect of a child staying in the institution";

- Supplement the provisions of the Criminal Executive Code of the Republic of Kazakhstan with a requirement to take into account the attitude toward maternal duties when determining the degree of a convicted woman's behavior, and also include an additional provision of the following content: "When assessing the degree of behavior of convicted women, assistance provided by them to other convicted women with young children in the institution is also taken into account in cases where, due to illness or other exceptional circumstances, the child's mother is temporarily unable to care for and look after the child";

- Considering that the infrastructure of penitentiary institutions designated for the execution of imprisonment in respect of women often results in a convicted woman serving her sentence at a considerable geographical distance from her family's place of residence, it is necessary to include in Article 71 of the Social Code of the Republic of Kazakhstan a separate form of family support in the form of reimbursement of travel expenses for a minor child of the convicted person and their accompanying person to the place where the child's mother is serving her sentence and back. At the same time, an additional special social service should be introduced in the form of "delivery of a minor to a penitentiary institution for a visit with the convicted mother or with a father who is raising the child alone, if the given institution is not located in the minor's place of residence".

Description of the main research findings.

The research results represent a unified, comprehensive solution to the stated problem, within which all of them form a single system of conclusions and optimal legislative and law enforcement solutions. Each individual scientific result includes the following:

Result 1 is a concentrated expression of the main idea and method, consisting in defining a positive-discrimination approach as the basic criterion for formulating regulatory provisions and organizing law enforcement activities in the execution of sentences involving imprisonment of women. This method (approach) is justified as the one most accurately reflecting the need to ensure the rights and legitimate interests of women as a penitentiary minority through the formal legal recognition of certain elements of inequality (benefits, concessions, preferences, etc.);

Result 2 presents generalized criminological data on female convicts serving prison sentences in the institutions of the Penal Correction System of the Republic of Kazakhstan, enabling a typological assessment of the most dangerous segment of female criminality in the country, taking into account the fact of their conviction to the most severe type of criminal punishment. At the same time, new solutions are justified to eliminate the risks of excessive imprisonment of women, which may occur due to an incorrect assessment of acts that objectively contain elements of violent crime (most often against family members);

Result 3 is a combination of traditional objective and subjective-evaluative characteristics of the penal status of women serving prison sentences, which include both typical assessed manifestations of female convicts during the penitentiary period (behavior level, disciplinary penalties, and incentives) and factors related to the personal life situation of convicts, as well as their own assessment of being in conditions of imprisonment;

Result 4 addresses the issue of improving fairness and efficiency in the application of the postponement of sentence execution as one of the main tools for adjusting the punitive-repressive impact of criminal liability and punishment. The corresponding changes proposed within Result 4 would simultaneously tighten the practice of granting postponement where necessary, while also making such opportunities more accessible and flexible;

Result 5 has a somewhat distinct significance, as it concerns not female convicts—the main relevant group of the study—but male convicts. However, it is an organic part of the overall set of results, as it vividly demonstrates unjustified gender disparities currently present with respect to male convicts, which should be eliminated in the norms of penal legislation;

Result 6 reflects the humanitarian core of the research, as it concentrates on the as-yet unrealized directions for improving the situation of female convicts in prisons, which should be incorporated into legislative and law enforcement practice and represent the direct embodiment of the positive-discrimination approach;

Result 7 is a set of several independent yet interrelated conclusions and recommendations united by the comprehensive idea of providing maximum support for motherhood during imprisonment, while simultaneously increasing the level of

responsibility of female convicts for improper fulfillment of their maternal duties toward their young children living with them in a correctional institution.

Justification of the novelty and significance of the obtained results.

The scientific novelty of the research and the results obtained is predetermined by a thorough revision of traditional approaches to understanding female criminality and the socio-legal significance of the enforcement of imprisonment in relation to women. Certain results are of a theoretical and practical renewal or systematization and adaptation to new social conditions and needs, while others represent fundamentally new approaches and practices that will make it possible to address the issues of enforcing imprisonment for women more effectively in the modern context of societal development.

Result 1 is new and important for the methodology of formulating legislative provisions and developing the most appropriate law-enforcement strategies and tactics, as it contains a significant criterion for a more accurate value-based and rational assessment of the socio-legal meaning of special norms and rules developed within the framework of regulating the enforcement of imprisonment for women. The positive-discrimination approach is based not on universalizing the consideration of the biological (sex) and social (gender) factor as an unconditional basis for mitigating the conditions of serving a sentence for convicted women, but on a rational consideration of the risks where formal legal equality, against the background of relevant sex and social differences, may lead to significant actual inequality.

Result 2 is new and significant in terms of the relevance of the most evident parameters of the criminological profile of female criminality identified in the course of the research, as well as the characteristics of the personality of women convicted to imprisonment. Despite the auxiliary nature of this result in relation to the main body of conclusions and recommendations concerning the enforcement aspects of imprisonment for women, it allows for a clear reflection of the most significant segments of criminological disadvantage in terms of typical manifestations of female criminal activity in the current period. The structural part of this result, which includes a proposal to classify contentious criminal cases involving violence committed by women (especially in the domestic sphere) among those to be tried with the participation of jurors, is important for a more balanced practice of imposing imprisonment on this category of individuals.

Result 3 is novel and significant in the context of identifying the most demonstrative and informative objective and subjective characteristics of the penal status of convicted women, which is defined not only as the aggregate of certain fixed states of convicted women during the penitentiary period (behavior level, presence or absence of incentives, disciplinary penalties), but also as an assessment of the subjective perceptions by the convicted women themselves of the consequences that arise from their conviction. This result, in fact, schematically presents the specifics of the modern female penitentiary community in Kazakhstan. At the same time, taking into account the international standards studied, a proposal has been formulated to adjust the regulatory provision of the Criminal Executive Code of the Republic of Kazakhstan (CEC RK) directly relating to the legal aspect

of the status of a woman convicted to imprisonment (restrictions on the application of certain types of disciplinary penalties).

Result 4 is new from a scientific standpoint and significant in practical terms, as it contains proposals for a more balanced and effective application of the institution of deferral of sentence execution, which, according to its legislative design, is primarily oriented towards women who have committed criminal offences. The practical significance of this result lies in the fact that its use within the framework of legislative provisions of Article 74 of the Criminal Code of the Republic of Kazakhstan (CC RK) and Article 163 of the CEC RK will, on the one hand, prevent the application of deferral to persons who have committed serious and particularly serious crimes against the interests of the family and minors, as well as any encroachments on the interests of the convicted person's own minor children; on the other hand, the substantiation of the need to legislatively establish the possibility of re-applying for a deferral of sentence execution will make it possible to use the resources of this institution in a more flexible and humane manner.

Result 5 is qualitatively new and significant because it concerns the gender rights of convicted men, which, against the backdrop of relatively greater attention to the gender rights of convicted women, practically remain outside the necessary theoretical and practical focus. This leads to an entirely unjustified infringement, primarily of the parental rights of convicted fathers, which is unacceptable from the standpoint of equal parenthood as established in the norms of family law of the Republic of Kazakhstan. In this sense, the proposals formulated regarding the creation of children's homes similar to those available in penitentiary institutions for women serving sentences, so that a convicted father who is the sole parent can care for his child, as well as the clear regulation of the father's right to visit a child residing in a penitentiary institution with a convicted mother, represent a fundamentally new set of solutions oriented toward the near future.

Result 6 is significant and new in terms of combining in it the entire set of conclusions from the research that relate to the need to increase the gender sensitivity of criminal-executive legislation and departmental regulatory legal acts to the issues of enforcing imprisonment in relation to women. Despite the predominance of social (gender) aspects, mainly connected with the female function of childbirth and child-rearing, within this combined result certain aspects related exclusively to the biological (sex) affiliation of convicted women are also taken into account. The degree of novelty of the conclusions included in the overall Result 5 of the dissertation varies: from systematizing existing successful foreign practices and taking into account international legal emphases to substantiating a new "right to pregnancy" implemented through assisted reproductive technologies.

Result 7 is novel and significant in that it focuses on the most important distinctive parameter of the characteristics of a convicted woman, connected with the factor of motherhood and the exercise of maternal functions while in a penitentiary institution, both in relation to children residing in the institution and those left in the care of the other spouse, other family members, or state institutions. Of particular value within this result is the proposal regarding the practice of

applying gender-oriented disciplinary measures to women who improperly fulfill their maternal duties towards children living with them in a penitentiary institution.

The topic of the dissertation research is in line with state programs. The dissertation addresses issues that correspond to the key objectives of the programmatic and strategic documents of the Republic of Kazakhstan, such as:

- The Concept of Legal Policy of the Republic of Kazakhstan until 2030, approved by the Decree of the President of the Republic of Kazakhstan dated October 15, 2021, No. 674;

- The Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030, approved by the Decree of the President of the Republic of Kazakhstan dated December 6, 2016, No. 384;

- The Development Plan of the Ministry of Internal Affairs of the Republic of Kazakhstan for 2023–2027, approved by Order of the Minister of Internal Affairs of the Republic of Kazakhstan dated December 27, 2022, No. 1007;

- The Concept for the Development of Public Administration in the Republic of Kazakhstan until 2030, approved by the Decree of the President of the Republic of Kazakhstan dated February 26, 2021, No. 522;

- The Comprehensive Plan for the Protection of Children from Violence, Suicide Prevention, and Ensuring Their Rights and Well-Being for 2023–2025, approved by Resolution of the Government of the Republic of Kazakhstan dated August 31, 2023, No. 748.

Description of the doctoral candidate's contribution to the preparation of each publication.

The main results of the dissertation have been published in 11 works, including 1 article in the ranked journal *Balkan Social Science Review*, indexed in the SCOPUS database; 5 articles in publications recommended by the Committee for Quality Assurance in Science and Higher Education of the Ministry of Science and Higher Education; and 5 articles in the proceedings of international scientific conferences.

The publications were prepared by the author individually and in co-authorship:

1. Talandy Bisenova, Akynkali Darmenov, Natalya Kim. The structure of prison sentencing as a mechanism for enhancing the effectiveness of women's resocialization // *Balkan Social Science Review*, 2025. – V.25.-P.137-157.

2. Bisenova T.E. Specific features of implementing the institution of sentence deferral in relation to women // *ҒЫЛЫМ – Ғайка: International Scientific Journal*. – 2023. – No. 2 (77). – pp. 160–165.

3. Bisenova T.E. Female criminality and punishability in Kazakhstan: additional tools for ensuring social justice // *Bulletin of the Law Enforcement Academy: Scientific Journal*. – 2024. – No. 2 (32). – pp. 104–114.

4. Bisenova T.E. General issues of serving imprisonment by convicted women: dynamics of legislative development // *Scientific Works of the Almaty Academy of*

the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Yesbulatov: Scientific Journal. – 2024. – No. 4 (81). – pp. 549–554.

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