

On Kazakhstan's Practice of Restoring the Fundamental Rights of Women and Children Returned from Syria and Iraq

Yernar Maussumbekov

AQNIET Foundation, Republic of Kazakhstan

Abstract:

In Kazakhstan, the active phase of reintegration and repatriation is still ongoing.

Of the 191 women, only 18 were prosecuted for the facts of radical propaganda and recruitment from their environment.

With 18 women, the AQNIET Foundation continued rehabilitation work in 4 women's prisons.

The resulting positive effect contributed to the revision by the Ministry of Internal Affairs of Kazakhstan of sentences with the substitution of punishment for non-custodial sentences.

All the women were released ahead of schedule and returned to their places of residence.

This is an unprecedented humanitarian step to ease the punishment for those who have committed terrorist crimes.

Of particular note is the process of documenting children.

Through the painstaking work of government agencies and the civil sector, it was possible to find a compromise on the issues of documenting children in order to exclude "Syria" and "Iraq" in the place of birth column.

In the documents of all children, the place of birth is indicated as "The Republic of Kazakhstan" in order to eliminate the causes and conditions of their stigmatization in the future.

This is an exceptional and unique case where the rights of children have been protected despite the fact that these children have never been to Kazakhstan and there are many legal grounds for refusing this.

This is one of the fundamental issues that has been resolved and has greatly contributed to their successful reintegration into Kazakh society. The women appreciated these efforts and the degree of trust reached a qualitatively new level.

Genomic examinations were carried out for round orphans, when samples were taken from relatives instead of deceased parents. On this basis, guardianship was issued.

International organizations positively note this approach.

It should be noted separately that these measures came at the peak of the pandemic and were complicated by quarantine restrictions.

At the same time, all countries that returned their citizens faced the problem of documenting the death of liquidated ISIS fighters.

Some repatriates still cannot recognize relatives who died in Syria and Iraq, are missing or deceased.

Repatriates and guardians of children who have been left without parents are denied such applications on the basis of active criminal cases.

The solution to this problem should be approached with the utmost caution, since there are cases when ISIS militants deliberately staged their deaths in order to evade responsibility.