

Domestic violence: Legal aspects and protection of victims' right

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Abstract: This article discusses the legal aspects of domestic violence and mechanisms for protecting the rights of its victims in the context of Uzbekistan. The study focuses on the legislation regulating the problem of domestic violence in Uzbekistan, including the definition of violence, the establishment of responsibility for such actions and protection measures for victims. The mechanisms of obtaining protective orders, ensuring access to legal aid and support for victims of domestic violence in Uzbekistan are considered. The achievements, problems, and challenges in the system of protection of the rights of victims of domestic violence in Uzbekistan are analyzed, as well as recommendations for improving legislation and protection mechanisms are proposed.

Keywords: domestic violence, legal aspects, protection of rights, Uzbekistan, legislation, protective orders, legal assistance, victims.

Насилие в семье: правовые аспекты и защита прав жертв

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Аннотация: В этой статье рассматриваются правовые аспекты насилия в семье и механизмы защиты прав его жертв в контексте Узбекистана. Исследование сфокусировано на законодательстве, регулирующем проблему насилия в семье в Узбекистане, включая определение понятия насилия, установление ответственности за совершение таких действий и меры защиты для жертв. Рассматриваются механизмы получения охранных ордеров, обеспечение доступа к юридической помощи и поддержке для жертв насилия в семье в Узбекистане. Анализируются достижения, проблемы и вызовы в системе защиты прав жертв насилия в семье в Узбекистане, а также предлагаются рекомендации по усовершенствованию законодательства и механизмов защиты.

Ключевые слова: насилие в семье, правовые аспекты, защита прав, Узбекистан, законодательство, охранные ордера, юридическая помощь, жертвы.

Oiladagi zo'ravonlik: jabrlanuvchilarning huquqiy jihatlari va huquqlarini himoya qilish

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Annotatsiya: Ushbu maqolada oiladagi zo'ravonlikning huquqiy jihatlari va uning jabrlanglarning huquqlarini himoya qilish mexanizmlari O'zbekiston kontekstida ko'rib chiqiladi. Tadqiqot O'zbekistonda oiladagi zo'ravonlik muammosini tartibga soluvchi qonunchilikka, jumladan, zo'ravonlik tushunchasini aniqlashga, bunday xatti-harakatlar uchun javobgarlikni belgilashga va jabrlanganlar uchun himoya choralariga qaratilgan. O'zbekistonda oiladagi zo'ravonlikdan jabr ko'rganlar uchun qo'riqlash orderlarini olish, yuridik yordamdan foydalanish va qo'llab-quvvatlash mexanizmlari ko'rib chiqiladi. O'zbekistonda oiladagi zo'ravonlik jabr ko'rganlarining huquqlarini himoya qilish tizimidagi yutuqlar, muammolar va qiyinchiliklar tahlil qilinadi, shuningdek, qonunchilik va himoya mexanizmlarini takomillashtirish bo'yicha tavsiyalar taqdim etiladi.

Kalit so'zlar: oiladagi zo'ravonlik, huquqiy jihatlar, huquqlarni himoya qilish, O'zbekiston, Qonunchilik, xavfsizlik orderlari, yuridik yordam, qurbanlar.

Introduction:

Domestic violence is not only a social problem, but also a serious violation of human rights. Experts and lawyers from all over the world are making efforts to develop and strengthen legislation aimed at preventing domestic violence and protecting victims. Domestic violence is one of the most serious problems that has a devastating impact on the family structure and the physical and psychological state of the victims. In Uzbekistan, the legal system seeks to prevent and suppress domestic violence, as well as to protect the rights and interests of victims. In this article, we will consider the legal aspects of domestic violence in Uzbekistan and the available mechanisms for protecting the rights of victims.

Legislation on domestic violence:

Many countries have adopted special laws regulating the problem of domestic violence. These laws provide for criminal and administrative liability for rapists, as well as establish protection and support mechanisms for victims. They also define the concept of domestic violence and include various forms of violence, such as physical, psychological and sexual.

In Uzbekistan, there are laws that prohibit domestic violence and establish responsibility for rapists. For example, the Law of the Republic of Uzbekistan "On the Protection of Women from Violence"^[1] recognizes domestic violence as a crime and provides for punishment for violators. The law also obliges the State to provide support and assistance to victims of violence.

A law has entered into force in Uzbekistan that has amended the system of protection of women and children from violence. This law establishes separate administrative and criminal liability for family or domestic violence against certain categories of persons.

According to the new provisions, domestic violence can be committed against a spouse or spouse, ex-spouse or ex-spouse, a person living together on the basis of a single household, or a person with a common child. The law also clearly defines actions that can be recognized as domestic violence, including violation of rights, insults, threats, beatings and forced separation from close relatives.

New amendments to the legislation of Uzbekistan on protection from domestic violence are an important step in the fight against this serious problem. They are designed to ensure the safety and protection of victims of domestic violence, as well as to prevent and prevent such crimes in society. This law

confirms Uzbekistan's desire to create a safe environment for all its citizens, where domestic violence does not take place.

According to the new law, the punishment for domestic violence depends on its severity. In this regard, the Criminal Code was supplemented by article 1261[2], which regulates responsibility for domestic violence. This makes it possible to bring rapists to justice and provides for appropriate penalties in accordance with the law.

According to the document, the punishment depends on the severity of the act. In particular, the Criminal Code was supplemented with Article 1261[3]:

"Obstruction in the exercise of the right to property, education, health care and (or) work, intentional damage to property and personal belongings, as well as humiliation of honor and dignity, intimidation, isolation from close relatives committed against a spouse (spouse), ex-spouse (ex-spouse), a person living together on the basis of a single household or persons having a common child who caused a health disorder committed after the application of an administrative penalty for the same actions, as well as in the absence of signs of another crime, are punished with a fine of 20 to 30 Basic calculated value or compulsory community service from 160 to 300 hours or correctional labor for up to two years"

The repeated infliction of beatings that do not cause a short-term health disorder or disability, provides for the imposition of a fine in the amount of 20 to 30 Basic calculation value, the performance of mandatory community service for 160 to 300 hours or the appointment of correctional labor for up to two years. If the beatings lead to deterioration of the victim's health, the fine may be increased from 30 to 70 Basic calculated value or imprisonment for a period of up to two years may be imposed.

However, if the same actions are committed against a pregnant woman, two or more persons, or with special cruelty, or by a person who has previously committed such a crime, the punishment may be in the form of restriction of liberty or imprisonment for a period of 3 to 5 years.

Protection Order (OP):

A protection order (OP) is one of the most effective tools for the legal protection of victims of domestic violence. It allows the victim to go to court to obtain a ban on contact with the rapist, eviction from the common living space and

other protective measures. The OP can be issued temporarily or for a long time, depending on the circumstances of the case.

Uzbekistan has mechanisms and tools to protect the rights of victims of domestic violence. The victim can apply to the court with a statement of violence and request a warrant for protection. A protection order allows the victim to obtain protective measures, such as a ban on contact with the rapist and eviction from the common dwelling. In addition, victims are provided with access to medical care, psychological support and legal advice.

Previously, in Uzbekistan, a protective order issued to the victim had a validity period of 30 days. However, currently its validity period can be extended up to one year.

At the same time, the protective order provides for a number of additional conditions for the offender, which must be met:

1. Restriction on living in a residential building or part of it where the victim lives. This means that the offender may be prohibited from staying in a certain area of the dwelling where the victim is located.
2. A ban on being in certain places. The abuser may be prohibited from visiting certain places associated with the victim, such as places of work, study or other public places where the victim often stays.
3. Compulsory treatment for drug addiction. If the abuser is a drug addict, a protective order may provide mandatory treatment for this addiction to help him overcome this problem.[4]

The introduction of these additional conditions in the protective order makes it possible to strengthen protection measures for the victim and ensure his safety. It also serves as a means of influencing the abuser and prevents repeated violence or threats against the victim.

The desire to extend the validity of protective orders and the introduction of additional conditions for offenders testifies to the serious approach of the Government of Uzbekistan to combating domestic violence and ensuring the safety of victims.

The role of law enforcement agencies:

Law enforcement agencies play an important role in combating domestic violence. They ensure the prosecution of rapists in accordance with the law, investigate cases and ensure the protection of victims. In addition, they cooperate

with other organizations and services to provide the necessary support and assistance to victims.

In the period from 2021 to 2022, law enforcement agencies received more than 72 thousand allegations of harassment and violence against women and girls, with 85% of cases occurring within families.[5]

According to observers, the law on combating violence against women and children has become the subject of national discussions and is the first legislative act of its kind in recent years.

The problem of domestic violence has existed for a long time, however, as Dildora Tulyaganova, a journalist from Ankara who writes on gender issues, notes, information about it has become more accessible thanks to the joint work of the internal affairs bodies and the media. Recently, journalists have been openly covering this problem.

The founder of the project against violence "Don't be silent.Uz" Irina Matvienko expressed gratitude to everyone who contributed to the development of the bill. She noted that although the law was adopted in a certain version, this is already a huge step forward for Uzbekistan.[6]

On April 12, the U.S. Embassy in Uzbekistan issued a statement expressing approval of the recently adopted law. The statement notes that this law is an important step towards ensuring that all residents of Uzbekistan feel safe in their communities, at work and at home.[7]

Conclusion:

Domestic violence is a legal problem that requires serious attention and action. Legal mechanisms, such as laws on domestic violence and IPOs, play an important role in protecting the rights of victims and preventing violence. Joint efforts of law enforcement agencies, the public and the State are necessary to overcome this problem and create a safe environment for all family members.

The development and implementation of effective legislation on the prevention of domestic violence is an integral part of the fight against this problem. Laws play an important role in protecting victims, preventing violence, and punishing rapists. They also contribute to changing the culture and awareness of society about domestic violence. However, to achieve the full effectiveness of laws, an active role of law enforcement agencies, state bodies and public organizations in their implementation and support of victims is necessary.

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