



WOMEN AND DOMESTIC VIOLENCE: ENFORCEMENT OF RIGHTS AND ACCESS TO PROTECTION

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Abstract

This article provides an in-depth legal analysis of the state of gender equality in the Republic of Uzbekistan, with a particular focus on the issue of domestic violence against women as one of the key factors hindering the achievement of gender parity in society. The study explores the social, economic, and cultural barriers that limit women's ability to exercise their rights and access justice. Special attention is given to institutional mechanisms, victim-blaming attitudes, and the role of specialized crisis centers in supporting victims of domestic violence.

Keywords: Domestic violence, gender equality, social survey, statistical data, protection of rights, gender policy, victim blaming, specialized crisis

Introduction

This study aims to identify the existing gaps and inconsistencies in gender-related legislation, with a focus on barriers to justice for women subjected to domestic violence. It offers a comprehensive analysis of economic, legal, and socio-cultural obstacles that hinder women's access to protection and legal remedies, and proposes practical recommendations to address these issues [1,2,3].

While Uzbekistan is actively pursuing a gender equality policy, there remains significant concern regarding public awareness of domestic violence against women. To assess the level of awareness and highlight issues surrounding the enforcement of women's rights, a series of social surveys were conducted among



students and faculty members across various higher educational institutions in the country [4,5].

The research involved both women (78.3%) and men (21.7%), aged 18 and above, representing urban and rural populations from all regions of Uzbekistan and various social groups. Over 86% of respondents acknowledged the presence of domestic violence as a real problem in the country. The groups most frequently affected include women, children, persons with disabilities, the elderly, men, and other family members [6-11].

According to survey responses and public discourse—including the President’s address at the 20th plenary session of the Senate of the Oliy Majlis on June 21, 2019—key causes of domestic violence include low levels of education and cultural awareness, interference by extended family members in private life, economic hardship, early exposure to domestic violence during childhood, unemployment, social instability, alcoholism, drug addiction, poor family relationships, inadequate housing, and overall socioeconomic vulnerability [12-17].

Moreover, it is important to note that in many cases of domestic violence, society tends to blame the victim rather than the perpetrator, perpetuating a culture of victim-blaming and further obstructing justice.

There remains a widespread societal belief that women "provoke" or "deserve" violence, and that conflicts between husbands and wives are a natural part of family life. However, the Law of the Republic of Uzbekistan “On the Protection of Women from Harassment and Violence,” enacted on September 2, 2019, formally defines key concepts such as “sexual violence,” “physical violence,” “economic violence,” “psychological violence,” “harassment,” and “protection order,” among others.

According to Article 4 of this law, a victim of harassment or violence has the right to:

- File a complaint with the relevant authorized bodies, organizations, or courts concerning acts of harassment or violence committed against her or the threat thereof;



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- Receive free legal counsel, as well as economic, social, psychological, medical, and other forms of assistance through specialized centers and a free hotline;
 - Request a protection order from law enforcement agencies, and notify them in the event of violations of the order;
 - File a claim in court for compensation of material damage and moral harm caused by the act of harassment or violence, without being required to pay state duties.

Victims are entitled to a special legal instrument—a **protection order**—which ensures state protection from harassment and violence. This document authorizes the implementation of measures prescribed by the law against individuals or groups who commit acts of harassment or violence toward women [18-21].

According to data from the Ministry of Internal Affairs of the Republic of Uzbekistan, 39,343 cases of violence against women were officially recorded during the 12-month period of 2021. These included:

- Psychological violence – 18,777 cases
- Physical violence – 13,658 cases
- Economic violence – 234 cases
- Sexual violence – 106 cases
- Harassment – 7,174 cases

In addition to the legal codification of these terms, the government continues to conduct public awareness campaigns across the country to promote intolerance toward domestic violence. Achieving an effective and comprehensive response to domestic violence requires increasing public awareness and educating individuals to recognize the various forms of violence that can occur within the family.

According to sociological surveys, the majority of citizens recognize yelling (over 75%), threats, and intimidation as forms of domestic violence. Additionally, behaviors such as beating, physical assault, hair-pulling (over 60%), unjustified physical punishment of children, and child abuse (80.8%) are also identified as violence. Other perceived forms of violence include humiliation and verbal abuse (60%), pushing, pinching, twisting of arms (60%), prohibiting women from working or studying (62%), preventing contact with friends and relatives (60%),



and taking money or restricting the ability to manage personal finances (40%) [22-25].

The study further revealed that perpetrators of violence against women were most commonly husbands, partners, boyfriends, in-laws (particularly mothers-in-law), and other relatives. Over 70% of respondents self-identified as victims of domestic violence, indicating a clear understanding of the aforementioned actions as forms of abuse.

Unfortunately, many individuals are unaware of where to seek help in such situations. The survey showed that 52.8% of respondents lacked this information. This underscores a critical gap in public awareness campaigns and educational efforts aimed at informing women about their right to protection and available support services.

Out of 120 identified survivors of violence, those who did seek help turned to:

- Local police officers and law enforcement;
- Mahalla (neighborhood) committees;
- Prosecutor's offices;
- Courts;
- Rehabilitation centers.

The sociological survey also revealed concerning trends in the treatment of victims by law enforcement personnel. Victims reported experiences of distrust and misunderstanding (9.3%), refusal to listen (7%), rejection of complaints (2.3%), being redirected to other agencies (3.9%), being persuaded to withdraw complaints (8.5%), or being advised to seek help from non-governmental organizations or other institutions.

These findings point to serious deficiencies in how responsible authorities respond to domestic violence cases. Additionally, the survey assessed perceptions of the effectiveness of protection orders. A significant proportion—50.9% of respondents—reported that protection orders did not shield them from further violence.

Despite efforts by some government officials, the state has struggled to deliver a consistent public message of zero tolerance for domestic violence. State-run media continue to perpetuate gender stereotypes that reinforce the notion that



women and girls should be "controlled," thereby sustaining a culture of violence and impunity.

As a result, many victims refrain from turning to law enforcement due to the reasons listed above. According to official Ministry of Internal Affairs (MIA) data, the number of protection orders issued based on victims' complaints of harassment and violence amounted to 5,071 in 2020 and 21,947 in 2021. When, during the issuance of a protection order, elements of a crime under the Criminal Code are detected, the case materials are transferred to the appropriate law enforcement body for criminal proceedings against the perpetrator.

Upon confirmation of violence, and at the request of the victim or their legal representative, shelter is provided in specialized centers for up to 30 days, extendable if necessary. Victims placed in these centers retain their jobs, and their time in the shelter does not constitute grounds for dismissal from educational institutions due to missed classes.

The Criminal Code of the Republic of Uzbekistan provides for criminal liability for a range of offenses against life, health, and sexual freedom, but it does not specifically criminalize domestic violence. Typically, domestic violence cases are pursued as private prosecution matters and require a formal complaint by the victim. To address this limitation, the state has waived the court fees for victims seeking compensation for material and moral damages resulting from domestic abuse.

Article 325 of the Criminal Procedure Code of Uzbekistan outlines a number of crimes—including those against health, sexual freedom, forced marriage, obstruction of marriage, defamation, and insult, as well as violations of constitutional rights and freedoms—that can only be prosecuted upon a formal complaint by the victim requesting criminal charges be brought against the perpetrator.

Conclusions

Based on the findings outlined above, and taking into account proposals from representatives of NGOs working on women's issues, independent women's rights activists, and other experts, the following recommendations are proposed:



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- Include the definitions of "domestic violence" and "harassment" in the Law of the Republic of Uzbekistan “On the Protection of Women from Harassment and Violence”;
 - Criminalize domestic violence as a separate offense, and establish distinct criminal liability for all forms of violence within the family, including psychological and economic violence;
 - Remove administrative penalties for violations of protection orders and replace them with criminal liability;
 - In cases of violation of protection order conditions, introduce legal protection mechanisms such as court-issued warnings to the perpetrator about possible eviction from the residence, regardless of property ownership status;
 - Develop effective monitoring mechanisms for families who have undergone reconciliation procedures in order to prevent repeated acts of domestic violence;
 - Introduce mandatory correctional programs for aggressors who have committed domestic violence, along with regular judicial reviews to assess the perpetrator’s progress in rehabilitation;
 - Legally reduce the duration of court proceedings in cases related to violence against women;
 - Increase public awareness through information and education campaigns, including the creation of social videos that highlight the issue and explain the legal protection mechanisms available to victims;
 - Implement mandatory gender assessment procedures for media products and organize a series of training sessions on gender-sensitive journalism.

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