

CASES OF HARASSMENT AND ABUSE AGAINST WOMEN AND PROTECTION ORDER

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Abstract

The article focuses on the concept of harassment and abuse against women and girls, the causative factors, what kind of evidence a protection warrant is, and what restrictions can be placed on it.

Keywords: Harassment, abuse, victim of harassment and abuse, protection order.

**“All human beings are born free and
equal in dignity and rights.**

**They are endowed with reason and conscience and
should act towards one another in a spirit of brotherhood”
Universal Declaration of Human Rights, Article 1**

Introduction

Historically, it has been taken for granted to demonstrate male supremacy at the cost of women's discrimination. Even the punishment of women by men has been strengthened by law. But by the 70s of the XX century, the issue of domestic abuse began to be the cause of discussions and objections. Even then, it was only a matter of physical abuse. If we look at history, at every stage of social development, we can see relationships based on abuse. Because abuse has existed in all societies since ancient times as a form of social relations.

Every year, more than half a million people around the world die from abuse, most of them from injuries resulting from communal and interpersonal conflicts. According to the World Health Organization, abuse is one of the leading causes of death for people between the ages of 15 and 44 worldwide.

According to a number of scholars, such as A.A. Guseinov and R.A. Apresyan: “The essence of abuse is the process of destroying free will between people, when one party imposes its will on others through the use of force and external coercion”. According to scholars, the exception is the case of one opinion voluntarily subordinating to another. For example, in a family, a son who finds his father's opinion acceptable and voluntarily submits to him is not considered a case of abuse.

As of today, harassment and abuse are observed more often in families. Abuse and harassment by spouses against women seriously undermine health and human rights. That is why domestic abuse against women has become one of the global problems. In our country, protecting women from harassment and abuse in the family is also of great importance. Therefore, on September 2, 2019, Law of the Republic of Uzbekistan, № LRU-561 "On the Protection of Women from harassment and abuse", developed based on the experiences of advanced developed countries, was adopted.

According to Article 3 of this Law, harassment and abuse are defined as follows:

harassment — means an action (inaction) humiliating honor and dignity of a woman or a pursuit which do not presuppose administrative or legal liability;

abuse — means an illegal action (inaction) against a woman that impinges upon her life, health, sexual immunity, honor, dignity and other rights and freedoms protected by law via use or threat of other kinds of physical, psychological, sexual or economic coercion

victim of harassment and abuse — means a female, who is under the threat of harassment and abuse or has suffered from harassment and abuse¹

Therefore, in our opinion, "Abuse is an act or omission that violates the health, honor, dignity and other human rights protected by law by means of physical, psychological, economic and sexual influence or threat of influence against a person; Harassment is an act or omission that degrades the honor and dignity of a person, for which administrative or criminal liability is not provided for".

Common factors that contribute to abuse and harassment include:

- Low levels of education and culture increase the likelihood of committing sexual abuse and being subjected to sexual abuse;
- Experiencing violence in childhood increases the likelihood of committing and being subjected to abuse;
- The likelihood of committing and being subjected to abuse increases due to observed abuse in the family;
- antisocial personality disorder increases the likelihood of abuse;
- alcohol or drug use increases the likelihood of abuse and victimization;
- harmful male habits and norms of behavior, including a tendency to polygamy and relationships that justify abuse, significantly increase the likelihood of abuse;
- social norms that assign privileged or superior positions to men and inferior positions to women justify and pave the way for abuse committed by men;
- limited employment opportunities for women cause them to get used to living under abuse;
- the subordination of gender equality, i.e. discriminatory rules, lead to women becoming dependent and enduring.

¹ Law of the Republic of Uzbekistan, № LRU-561 "On the Protection of Women from harassment and abuse"//<https://lex.uz/docs/5147718>

The Republic of Uzbekistan has adopted a number of normative legal acts to protect women and girls from harassment and abuse, prevent harassment and abuse, and protect them from harassment and abuse. These normative acts include the Law “On the Protection of Women from harassment and abuse”, the Law “On guarantees with respect to equal rights and opportunities for women and men”, the Resolution of the President of the Republic of Uzbekistan No. LRU -3827 “On Measures to Improve the System of Social Rehabilitation and Adaptation, as well as Prevention of Domestic Abuse”, the Resolution of the Cabinet of Ministers “On Additional Measures to Support Families, Women and Youth in Need of Financial Assistance and Support” ², and the Resolution “On Ensuring the Execution of Protection Orders for Women Victims of Harassment and Abuse” and "Regulations on monitoring".

According to the above-mentioned normative legal documents, victims of harassment and abuse have the following rights:

First, to apply to the relevant authorized bodies, organizations or the court with a statement stating that harassment or abuse has been committed against him or her or that there is a threat of such acts.

Secondly, to receive free legal advice, economic, social, psychological, medical and other types of assistance in special centers, as well as through a toll-free telephone line.

Third, apply to the internal affairs bodies with a request to issue a protection order, and notify them if the terms of the protection order are violated.

Fourth, to apply to the court with a demand for compensation for material damage and moral damage caused as a result of the harassment and abuse committed.

The Law of the Republic of Uzbekistan No. LRU -561 “On the Protection of Women from Harassment and Abuse” introduced a protection order to protect women from harassment and abuse. Article 3 of the Law defines a “protection order” as a document that provides state protection to a victim of harassment and abuse and causes the application of measures of influence established by this Law against a person or group of persons who harass or commit abuse against women”.

The authority to issue a protection order has been delegated to the internal affairs bodies by a government decree. According to the legislation, the order must be issued to women who have suffered or are at risk of abuse within 24 hours of the situation being identified and is valid for up to 30 days. The validity of the document can be extended by a maximum of 30 days upon the victim's application.

If the danger has not yet been eliminated, the period of validity of the protection order may be extended by the criminal court for a maximum period of one year upon the application of the victim of harassment and abuse.

When a protection order is issued, in particular, the victim is prohibited from contacting the abuser, they are not allowed to be in the same room while the order is in effect. It also imposes

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obligations on the abuser (such as treating the victims, compensating for material and moral damage), and his right to keep and carry weapons is restricted.

If the perpetrator violates these prohibitions, he may be held liable for a fine of one to three times the basic calculation amount (BHM) (as of November 28, 300,000 soums) or up to 15 days of administrative detention. Repeated abuse, as well as violation of prohibitions and restrictions, is not subject to criminal liability.

In conclusion, harassment and abuse have existed since ancient times and should be scientifically studied as a negative form of social relations between people. In this regard, it is important to study the causes of harassment and abuse, its consequences, and its negative impact on society. In this regard, in addition to studying the research of world scientists and their results, we should also conduct our own research, studying our national and cultural characteristics as one of the causes of harassment and abuse. By studying international experiences in reducing harassment and abuse in society, preventing them, and eliminating the consequences caused by them, and by analyzing the shortcomings in their practice, we will have the opportunity to develop various mechanisms and practical measures to improve the situation in society.

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