

PROTECTION OF THE WOMEN'S RIGHTS, WHO ARE VICTIMS OF FAMILY (DOMESTIC) VIOLENCE: INTERNATIONAL PRACTICE AND NATIONAL LEGISLATION

Juraeva Muslimakhon Bakhodir qizi

Doctoral Student of Tashkent State University of Law Tashkent, Uzbekistan

Phone: +998935657881

Email: muslimajurayeva110899@gmail.com

Abstract:

Domestic violence remains one of the most pressing social issues of our time, affecting millions of women around the world. One in three women face physical or sexual violence in her lifetime, and often within family relationships. Victims are not only the physically weak, but also women with high levels of education and social protection. This emphasizes that domestic violence has no social, economic or cultural barrier.

Introduction

It is important to understand the roots of this phenomenon and how it affects women's lives in order to take action and change the situation. By its very nature, the topic of violence cannot be perceived as emotionally and socially neutral, but until the 1970s, it was widely believed that domestic violence was rare and caused by certain mental disorders. In addition, this phenomenon was considered a privilege of private life, in which it was not customary to interfere¹.

The study of this phenomenon began in the 1960s. by focusing on the problems of children. The problem of ill-treatment of women as a social and psychological problem received attention in the 70s due to the activation of the women's movement in the United States and in Western Europe.

INTERNATIONAL ACTS TO PREVENT VIOLENCE AGAINST WOMEN

Early steps towards preventing violence against women were the UN Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW", 1979) and its Optional protocol (1999), as well as the CEDAW Committee's General Recommendations No. CEDAW (1979) and its Optional Protocol (1999), as well as the CEDAW Committee's General Recommendation No. 19 "On Violence against Women".

States Parties Signatories to the UN Convention on the Elimination of All Forms of Discrimination against Women obliged to:

- “(a) incorporate the principle of equal rights of men and women into their national constitutions or other appropriate legislation, where this has not already been done, and ensure, through law and other appropriate means, the practical realization of this principle;
- (b) to adopt appropriate legislative and other measures, including sanctions where necessary, prohibiting all discrimination against women;
- (c) to establish legal protection of the rights of women on an equal basis with men and to ensure, through the competent national courts and other public institutions to provide effective protection

¹ <https://cyberleninka.ru/article/n/osobennosti-vliyaniya-domashnego-nasiliya-na-lichnost-zhenschiny/viewer>



to women against any act of discrimination...²

This Convention was ratified by the Republic of Uzbekistan on August 18, 1995³.

Further it is necessary to consider the Convention of the Council of Europe "On preventing and combating violence against women and domestic violence" of 11.05.2011. This Convention defines such concepts as "violence against women", "domestic violence", "gender-based violence against women" and others.

It is worth noting that this Convention defines violence against women as a form of discrimination against women, and it means all acts of gender-based violence⁴.

It is relevant to note that at the international level, the issue of protection of women's rights and legitimate interests, as well as their protection from any kind of violence has been discussed since the 70s of the XX century, but in Central Asia this issue has not been touched upon so long ago.

National Legislation on The Protection of Women from any Kind of Violence

First of all, it is worth noting the Constitution of the Republic of Uzbekistan, which enshrines the rule that "no one may be subjected to torture, violence, other cruel, inhuman or degrading treatment or punishment"⁵.

Then there are two Laws of the Republic of Uzbekistan dated 02.09.2019: "On the protection of women against harassment and violence" and "On guarantees of equal rights and opportunities for women and men".

The first Law "On the Protection of Women from Harassment and Violence":

- definitions are given for the main concepts such as "violence", "sexual, physical, economic, psychological violence", "oppression", etc,
- the rights of victims of harassment and violence and the main directions of State policy for the protection of women from harassment and violence are described;
- the powers of authorized state bodies in the field of protection of women from harassment and violence are considered, etc.

However, the Act states that only women are victims of harassment and violence. According to statistics, men can be victims of harassment and violence⁶, which casts doubt on whether only women can be victims of harassment and violence.

As for the regulation of the areas of equal rights and opportunities for women and men, the guarantee of equal rights and opportunities for women and men in the civil service, this topic is addressed in the Law "On Guarantees of Equal Rights and Opportunities for Women and Men".

This topic is addressed in the Law on Guarantees of Equal Rights and Opportunities for Women and Men.

Also worth noting:

- Decree of the Republic of Uzbekistan "On additional measures for the rehabilitation of women victims of violence" dated 20.05.2021;
- Decree of the President of the Republic of Uzbekistan "On measures to improve the system of work with families and women, support for mahallas and the older generation" of 01.03.2022;

² Convention on the elimination of all forms of discrimination against women ("CEDAW", 1979), 18.12.1979

³ <https://lex.uz/docs/2685526>

⁴ <https://rm.coe.int/168046253f>

⁵ <https://constitution.uz/ru>

⁶ <https://oyina.uz/kiril/article/2188.r>



- Decree of the President of the Republic of Uzbekistan “On measures to further accelerate work on systemic support for families and women” of 01.03.2022;
- Decision of the Cabinet of Ministers of the Republic of Uzbekistan “On additional measures to improve work on the rehabilitation and adaptation of women victims of violence and the prevention of suicide”, dated 06.10.2021.

The above-mentioned normative legal acts are aimed at supporting women victims of domestic violence and providing rehabilitation work with women victims of domestic violence.

CONCLUSION

To summarize, we can say that the innovations that have been introduced in the form of normative legal acts, agencies and centers for rehabilitation of victims of domestic violence can help to identify the causes of this phenomenon, to prevent further offenses or crimes, to ensure the rights and legitimate interests of the victim of domestic violence as a full member of society and the state as a whole. We are convinced that, thanks to the conditions created, people who have been or are being subjected to some form of violence will no longer remain silent about violence against them, as everyone has the right to be a full participant in the life of the state.

REFERENCES:

1. Universal Declaration of Human Rights, 10.12.1948.
2. The UN Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”, 1979) and its Optional Protocol (1999). against women (“CEDAW”, 1979) and the Optional Protocol to this Convention (1999).
3. General Recommendations of the CEDAW Committee No. 19 “On Violence against Women”.
4. The Council of Europe Convention on preventing and combating violence against women and domestic violence dated 11.05.2011.
5. Constitution of the Republic of Uzbekistan dated 30.04.2023.
6. Law of the Republic of Uzbekistan “On the protection of women from oppression and violence” of 02.09.2011.
7. Law of the Republic of Uzbekistan "On guarantees of equal rights and opportunities for women and men", dated 02.09.2019.
8. Resolution of the President of the Republic of Uzbekistan "On additional measures for the rehabilitation of women victims of violence" dated 20.05.2021.
9. Decree of the President of the Republic of Uzbekistan “On measures to improve the system of work with families and women, support for mahallas and the older generation” dated 01.03.2022;
10. Decree of the President of the Republic of Uzbekistan “On measures to further accelerate the work on systemic support for families and women” dated 01.03.2022;
11. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On additional measures to improve the rehabilitation and adaptation of women victims of violence, as well as the prevention of suicide”, dated 06.10.2021
12. Legal Encyclopedia, - T., 2001. - P.587
13. <https://lex.uz/docs/4494712>
14. <https://constitution.uz>
15. <https://rm.coe.int/168046253f>



16. <https://oyina.uz/kiril/article/2188.т>

17. <https://www.gazeta.uz>

18. <https://cyberleninka.ru/article/n/osobennosti-vliyaniya-domashnego-nasiliya-na-lichnost-zhenschiny/viewer>

