



Legal framework for the protection of the rights of women victims of domestic violence

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Abstract: The family is a unit of society, the well-being of which directly affects the development of society and the state as a whole. An indispensable member of the family is a woman who is both a wife and a mother, and takes on other household responsibilities. However, she is not always granted all the rights set out in international and national legislation. In this regard, the issue of protecting the rights and legitimate interests of women has become an issue at both the international and national levels. In this article, the author has attempted to analyze the opinions of scientists on the selected topic, normative legal acts, which are aimed at ensuring all constitutional rights and legitimate interests of women, as well as strengthening their role both in the family and in society as a whole.

Keywords: Family (domestic) violence, women's rights and legitimate interests, discrimination, rehabilitation.

Introduction: Domestic violence is a pervasive issue that affects individuals and families across all cultures, socioeconomic backgrounds, and communities. It encompasses physical, emotional, psychological, financial, and sexual abuse, often leaving lasting scars on victims. While awareness has increased over the years, domestic violence remains an underreported and misunderstood crisis, with many victims feeling trapped due to fear, financial dependence, or societal stigma.

It is important to understand the roots of this phenomenon and how it affects women's lives in order to take action and make a difference. 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 interfere.

The study of this phenomenon began in the 1960s. 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.

In this article, we will examine the different views of scholars on this topic. The aims of article are to shed light on the complexities of domestic violence, exploring its causes, effects, and the support systems available for survivors. Additionally, it highlights available resources and strategies for prevention, emphasizing the importance of awareness, support, and intervention. Understanding domestic violence is the first step toward breaking the cycle of abuse and fostering a safer, more compassionate world.

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".

As for the polemics among scientists, we can say that there are several interpretations of the concept of "family violence". For example, psychologist

M. Argyle believes that violence is an attempt to establish control over a certain person, to control his actions, thoughts, feelings.

Prof. Jerzy Mellibruda distinguishes between two forms of violence, so-called types of domestic violence:

COLD VIOLENCE - most often used deliberately, has a specific purpose (sometimes positive). It develops against the background of authoritarian models of human coexistence and management. A person applying this strategy implements a certain plan of action. This is usually a process devoid of strong and sudden emotions. The name is related to the emotional coldness and calmness that accompanies this form of violence.

HOT VIOLENCE - this form is the result of negative intense experiences associated with the frustration of aspirations and needs. It manifests itself in the form of fits of rage, anger, emotional outbursts. It is violence, charged with aggression, sudden, manifested mainly in a state of affect. It is accompanied by rich forms of expression (screaming, sudden infliction of pain, swearing).

The above opinions were based on psychological analysis of victims of violence. Unfortunately, in criminal-theoretical practice there is no definite

approach to the concept of "family violence". However, among jurists, one of the first definitions of the concept of violence and its content was given by A. A. Piontkovsky, who pointed out that "violent impact on a person consists in any coercion of her to actions contrary to her desires".

Professor A.S. Panchenko describes family (domestic) violence as "illegal actions aimed at forcing someone to do something not of their own free will, while intimidating them with the use of punishment in the form of harm to health, insult, physical restraint".

Domestic violence is "every act or omission by one member of a family which endangers the life, physical and mental integrity or freedom of another member of that family, or seriously jeopardizes his or her personal development" (Council of Europe definition, 1986).

So, after studying several opinions on family (domestic) violence, we can say that family violence is, first of all, an action. Secondly, in the realization of family violence, the aggressor (abuser) by restricting certain rights of the victim inflicts physical, psychological violence.

In the following, it will be relevant to note the documents adopted to protect women from any kind of violence, and it will be appropriate to begin by analyzing normative legal acts adopted in the Republic of Uzbekistan to prevent violence against women.

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 or other cruel, inhuman or degrading treatment or punishment".

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 statistical data, men can be victims of harassment and violence, which casts doubt on the fact that only women can be victims of harassment and violence.

With regard to the regulation of the areas of equal rights

and opportunities for women and men and the guarantee of equal rights and opportunities for women and men in the civil service, this topic is addressed in the Act on Guarantees of Equal Rights and Opportunities for Women and Men.

Also, worth noting:

- Resolution of the Republic of Uzbekistan "On additional measures for the rehabilitation of women victims of violence" dated 20.05.2021. NO. RP-5116;
- 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, No. DP-81;
- 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, No. DP-87;
- Resolution 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, No. 625.

These legal acts are aimed at supporting women victims of domestic violence and providing rehabilitation work with women victims of domestic violence.

The next important step in supporting socially vulnerable segments of the population, including women victims of domestic violence, was the establishment of the National Agency for Social Protection and the Inson Social Services Center, in accordance with the Presidential Decision on measures to further improve the system for providing social services and assistance to the population. These organizations began their work on 15 October 2023.

They will provide professional social services, based on a comprehensive approach, directly at the mahalla level to individuals and families in serious situations and at high risk of falling into difficult situations.

To summarize, we can say that we hope to improve the condition of victims who have been subjected to domestic violence. The introduced innovations in the form of regulations, 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 each of them has the

right to be a full-fledged participant in the life of the state. It is not for nothing that our President Sh. M. Mirziyoyev noted in his speech on International Women's Day that "henceforth no woman in Uzbekistan will be left without attention and care of the state and society".

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