



LEGAL GUARANTEES FOR ENSURING THE RIGHTS, FREEDOMS, AND LEGITIMATE INTERESTS OF WOMEN IN UZBEKISTAN

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Abstract. The article discusses the social, legal, political, and spiritual aspects of constitutional protection of the rights, freedoms, and legitimate interests of women in New Uzbekistan.

Keywords. United Nations, Constitution, right, law, freedom, interest, pressure, aggression, women's rights, equal rights for women and men.

It is not without reason that it is said: the spiritual level of any nation is determined by the spiritual level of its women. In recent years, ensuring the rights, freedoms, and legitimate interests of women in our country, increasing their economic, social, and political activity, protecting their health, providing vocational training and employment, widely involving them in entrepreneurship, socially supporting women in need, ensuring gender equality, as well as systematically continuing reforms in these areas, and consistently implementing the Sustainable Development Goals of the United Nations Global Agenda have become priority directions of state policy.[1]

At the twentieth plenary session of the Senate of the Oliy Majlis, the head of our state, Sh.M. Mirziyoyev, said, "At this point, I am deeply concerned about a belief that has taken root in our consciousness. We always glorify women, saying that a woman is a mother, the mistress of our family. That's true, of course. However, today, every woman must be not just an observer of democratic processes, but an active and proactive participant." This speech became an important cornerstone in implementing these issues in life.[2]

Today, ensuring equal rights and opportunities for women and men in our country is considered one of the priority directions of state policy. Particular attention is being paid to ongoing consistent reforms aimed at strengthening the rights, freedoms, and legitimate interests of women, enhancing their role

In his Address to the Oliy Majlis and the people, the President emphasized that the reliable protection of human rights and freedoms should be defined as a constitutional obligation of the state, therefore, we should deeply instill the idea of "First - man, then - society and the state" in both our Constitution and laws, as well as in our daily life. She also emphasized in her speech at the 46th session of the UN Human Rights Council that "we will resolutely continue our work on gender policy issues aimed at fundamentally increasing the role of women in the socio-political life of our country and in the business sector."

Within the framework of the "Uzbekistan-2030" strategy, large-scale measures are being implemented to increase the political, social, and economic activity of women, protect motherhood and childhood, establish gender equality, and ensure the rights and interests of women.

To this end, our national legislation is being improved, and even more opportunities are being created for our sisters. Confirmation of this can be seen in one example, that is, when our electoral code stipulates that at least 40 percent of candidates for deputy, or 2 out of every 5 people, must be women.[5]

In recent years, more than 20 regulatory legal acts have been adopted in our country to strengthen gender equality within the framework of legislation, further improve the system of comprehensive support for women, protection of their rights, freedoms and legitimate interests.

It should be noted that over the past five years, 25 legislative acts have been adopted in this regard, including 4 laws, 6 decrees and resolutions of the President of the Republic of Uzbekistan, and 17 government resolutions.

Our Basic Law defines a separate norm on ensuring the rights, freedoms and legitimate interests of women. In particular, according to the Constitution of the Republic of Uzbekistan, "Women and men are equal.

The state shall ensure equal rights and opportunities for women and men in the management of public and state affairs, as well as in other spheres of public and state life" (Article 58).

In the implementation of these constitutional norms, the Law of the Republic of Uzbekistan "On Guarantees of Equal Rights and Opportunities for Women and Men" (the purpose of the law is to regulate relations in the field of ensuring equal rights and opportunities for women and men), Article 4 of the Law of the Republic of Uzbekistan "On Citizenship of the Republic of Uzbekistan" (establishes a permanent political and legal relationship of a civil person with the state, expressed in the totality of mutual rights, obligations and responsibilities, based on the recognition and respect of human dign

An important aspect of the issue is that all newly established institutional mechanisms adopted in accordance with the UN Convention represent an integral and unified mechanism for ensuring women's rights, gender equality, and the elimination of discrimination against women.

All these actions - the adopted normative legal acts and practical measures - are an important step in the implementation of Uzbekistan's gender policy in accordance with the norms and standards of lawmaking and law enforcement practice.

It should also be noted that in recent times, work on ensuring gender equality and increasing the role of women in the socio-political life of our country has been carried out in several directions:

- 1) improvement of legislation on women's rights;
- 2) Improving the institutional foundations of women's protection;
- 3) raising public awareness of gender equality and women's rights;
- 4) Training responsible persons in law enforcement practice based on relevant legal norms to ensure their implementation.

According to the results of a social survey on the study of public opinion on the problem of domestic violence, 120 women (93%) and 9 men (7%) over 18 years old, representing various social groups living in all regions of the republic, urban and rural areas, participated. According to the survey results, the majority of its participants (79%) consider themselves victims of domestic violence. According to the results of the study, the following were the



perpetrators of violence against women: husband, partner, boyfriend (36.6%), husband, his relatives and mother-in-law (21.8%), parents (32.6%), other relatives (20%).

In our opinion, these are only a few cases reported in the media, but in reality, there are many similar cases that remain outside the attention of society and the state. Based on this, it is necessary to provide for administrative liability against third parties for interference in the family life of spouses and incitement to commit domestic violence.

Studies have revealed that the majority of participants (80.6%) experienced psychological violence, 54% experienced physical violence, 32.6% experienced economic violence, and 21.7% experienced sexual violence.

Additionally, 62.1% of respondents did not contact relevant government agencies when they were subjected to domestic violence for the following reasons: fear (19.4%), shame (23.3%), stress and mental state (30.1%), youth and lack of understanding of the situation's severity (38.8%), distrust of law enforcement agencies (31.1%), and others. It is known that victims of violence are usually subjected to strong societal pressure because they "dare" to take the "family dispute outside the home" and do not resolve the "family matter" within the family. The survey results demonstrate how these factors negatively impact the decision to seek help in cases of domestic violence.[7]

Research shows that the Sixth Periodic Report of the Republic of Uzbekistan was reviewed at the 81st session of the UN Committee on the Elimination of Discrimination against Women on February 15-16, 2022. Following the review, the Committee submitted its concluding observations to the Republic of Uzbekistan, which noted the following:

- The Law "On the Protection of Women from Harassment and Violence" lacks a clear legal definition and provision criminalizing domestic violence, and law enforcement and monitoring of the law's implementation are weak;

- The criminal legislation lacks clear provisions criminalizing various forms of gender-based violence, apart from sexual violence and rape, and there is insufficient protection against gender-based violence for women and girls subjected to various forms of discrimination, including women and girls belonging to religious and ethnic minorities, women and girls with disabilities, and women living with HIV/AIDS;

- The definition of "rape" is based not on the lack of consent, but on the use or threat of use of violence;

- Protection orders have a limited validity of up to 30 days with a possible one-month extension, their enforcement is limited, there are no eviction orders, there are no victim support services, and there are obstacles to women's and girls' access to justice in cases of gender-based violence, including re-victimization during criminal proceedings and widespread use of reconciliation and mediation procedures by mahallas.

Suggestions and recommendations aimed at eliminating the aforementioned problems and shortcomings are as follows:

First, to make amendments to existing legislation, including the Criminal Code, the Code on Administrative Responsibility and the Law on the Protection of Women from Harassment and Violence, so that domestic violence can be clearly criminalized, prosecuted in court and punished with sanctions commensurate with the severity of the crime;

Second, review the Law on the Protection of Women from Harassment and Violence and other relevant national legislation to cover all forms of gender-based violence and take into

account the special needs of vulnerable and marginalized groups of women, including women with disabilities, migrant women, women living with HIV/AIDS;

Thirdly, to amend the definition of rape in the national legislation with the words "based on the lack of consent" rather than the threat of force;

Fourth, ensuring the timely and effective issuance, enforcement and monitoring of protection orders, including expulsion orders, in cases of domestic violence, and applying appropriate suspending sanctions for non-compliance with such orders;

Fifth, encourage reporting of all forms of gender-based violence against women and girls, including domestic and sexual violence, and ensure effective investigation of all such cases and prosecution of perpetrators and their punishment with appropriate sanctions, prioritizing criminal prosecution rather than reconciliation and prosecution of law enforcement officers who do not take action or dissuade victims from appealing;

Sixth, to intensify the informing of the general public about all forms of gender-based violence, including the criminal nature of domestic and sexual violence, the possibility for women to report such cases to law enforcement agencies without fear of reprisals, condemnation and re-victimization.

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