



EXPLORING THE LEGAL FRAMEWORK FOR COMBATING VIOLENCE AGAINST WOMEN: A FOCUS ON UZBEKISTAN

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Abstract: *This article highlights the importance of researching the topic of violence against women and the global legal elements of combating violence against women. The Universal Declaration of Human Rights, the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the 1993 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are all examples of international legislation aimed at protecting women from gender-based violence. In addition to ensuring the natural rights of women, the Declaration on the Elimination of Violence against Women and a number of other international treaties and conventions adopted on the basis of this law, it has been scientifically proven that violence against women is unacceptable and analyzed with the provision of a scientific conclusion. In addition, the improvements made to our national legislation were noted, as well as the study of accepted legal documents.*

Key words: *gender-based violence, CEDAW, declaration, convention, women's movement, pact, gender discrimination, equality.*

Introduction

Women's rights and protection are still among the most serious concerns in practically every country in the world today. Violence against women is regarded as a violation of human rights as well as a severe public health issue. This is one of the most significant risk factors for women's health, mostly because of reproductive and psychological sensitivity. Violence may afflict anybody, regardless of color, religion, location, or socioeconomic background. Women are the most vulnerable to and victims of violence. Personal and familial violence is a violation of human and civil rights and liberties, with major physical, economic, and social consequences. Due to physical or emotional stress, it can also prohibit victims of violence from obtaining economic prosperity.

Literature Review

The attitude towards women and their rights attracts the attention of not only international experts, but also most scientists of the Republic of Uzbekistan. The



issues of women's rights were studied by Russian scientists A.S.Chebotareva¹, I.E.Rubina,² E.A.Petrushina,³ N.N.Shapovalova,⁴ S.V.Polenina.⁵

It is worth noting the work of Western scientists in the field of women's rights including R.Kuk,⁶ Charlotta Bunch,⁷ Arvonne Freyzer⁸ and Jeni Klugman.⁹

The works of Murtaza Mutaxxari,¹⁰ Sarfraz A¹¹ and Tazeen Saeed,¹² theoretical scholars of women's rights in Islam, deserve special attention.

Among the specialists of the Republic of Uzbekistan A.X.Saidov,¹³ G.Yuldasheva,¹⁴ M.A.Tillabayev,¹⁵ A.B.Gafurov,¹⁶ B.Ismailov.¹⁷ In the works of these scientists, it can be seen some aspects of women's rights.

¹ Чеботарева А.С. Международная защита прав женщин: Автореф. дис. ... канд. юр. наук. - Москва, 1994. – 21 с.

² Рубина И.Е.Международная защита прав женщин: автореф. дис. ... канд. юр. наук. - Петрозаводск, 2001. – 25 с

³ Петрушина Е.А. Институт прав женщин: Соотношение международно-правового и внутригосударственного регулирования. Автореф. дис. ... канд. юр. наук. – Казань, 2002. – 20 с.

⁴ Шаповалова Н.Н. Международно-правовые стандарты по защите прав женщин и их имплементация в европейских странах. Автореф. дис. ... канд. юр. наук. - Москва , 2002. – 20 с

⁵ Поленина С.В. Права женщин в системе прав человека: международный и национальный аспект. - М: ХПИ «ЭСЛАН», 2000. – 255

⁶ Rebecca Cook. Human Rights of Women: National and International Perspectives. University of Pennsylvania Press, 1994 – 634 p.

⁷ Charlotte Bunch. Women's Rights as Human Rights: Toward a Re-Vision of Human Rights // Human Rights Quarterly, Vol. 12, No. 4 (Nov., 1990), pp. 486-498.; Feminism In The 80s: Bringing the Global Home. Antelope Publications, 1985.

⁸ Arvonne S. Fraser. Becoming Human: The Origins and Development of Women's Human Rights // Human Rights Quarterly, Vol. 21, No. 4 (Nov., 1999), pp. 853-906; Arvonne S. Fraser and Irene Tinker (eds.), Developing Power: How Women Transformed International Development, New York: The Feminist Press at The City University of New York, 2004, 372 pp; The U.N. Decade for Women: Documents and Dialogue. By Arvonne S. Fraser. Boulder and London: Westview Press, 1987. Pp. xi, 235.

⁹ Ibid at 2

¹⁰ Мутаххари, Муртаза. Маджму‘е-йе асар-е оstad-е шахид-е Мутаххари. Джелд 19 (Незам-е хокук-е зан дар ислам, Мас‘але-йе хеджаб, Пасохха-йе оstad, Ахлак-е дженси) [Собрание сочинений покойного профессора Мутаххари. Том 19 (Структура прав женщин в исламе, Проблема хиджаба, Ответы профессора, Половая этика)]. Изд. 2-е. Тегеран: Садр, 1379/2000

¹¹ Sarfraz A, Sarfraz Z, Sarfraz M, Qarnain Z. Gender-based violence in Pakistan and public health measures: a call to action. Bull World Health Organ. 2022 Jul 1;100(7):462-464. doi: 10.2471/BLT.21.287188. Epub 2022 Jun 6. PMID: 35813516; PMCID: PMC9243683.

¹² Tazeen S. A, “50% of Pakistani women suffer domestic violence, reports the Dawn”, The Times of India, November 6, 2016. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2986723

¹³ Саидов А.Х. Международное право прав человека. Уч.пособие // Отв.ред. Б.Топорнин. – Москва МЗПРЕСС, 2002. – 89с.; Общепризнанные права человека. Уч. пособие // Под ред. И.Лукашука. МЗМЗПРЕСС, 2004. 68 с.

¹⁴ Юлдашева Г. Имплементация международно-правовых норм по правам человека в национальное законодательство Республики Узбекистан. Автореф. дис...канд. юрид. наук. – Т.: ТГЮУ, 11 мая 2001. – 23 с

¹⁵ Тиллабаев М.Т. Международно-правовые основы деятельности национальных институтов по правам человека. Автореф. дис.... канд. юр. наук. – Т.: ТГЮУ, 15 апреля 2005 г. – 30 с

¹⁶ Гафуров А.Б. Взаимоотношение норм международного права и национального законодательства по правам человека (проблемы теории и практики). Автореф. дис.... канд. юр. наук. Т: ТГЮУ, 2 марта 2001 г. 22 с

¹⁷ Исмаилов Б. Международные стандарты в области личных прав и свобод человека в национальное законодательство Республики Узбекистан (проблемы взаимодействия и имплементации). Автореф. дис.... канд. юр. наук. – Т.: УМЭД, 12 января 2007 г. – 45 с.



Women's rights, as well as violence against women, can be distinguished from scientists who have focused on these issues like: Sh.Xamrayeva,¹⁸ G.Matkarimova,¹⁹ E.Xolova,²⁰ F.Xamdamaova.²¹

Research method

A historical approach to legal study aids in the understanding of historical legal issues. It frequently offers benchmarks that illustrate how things have changed and progressed over time. A historical study detailing the evolution of legal institutions and the concept of "law" across time gives an intriguing overview of how the law operates and discloses information that is essential to solving numerous legal puzzles that frequently need for going back in time. Consequently, the historical research approach was used to investigate this matter.

Critical analysis

Violence is one of the most serious societal problems since it not only hurts victims but also destabilizes society and threatens public order. Two-thirds of the world's countries are members of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was established in 1979.²² Furthermore, gender-based violence is a global epidemic that every third woman experiences during her lifetime. The world community is placing an increased emphasis on the abolition of such violence.²³ Domestic abuse is specifically included in the UN Declaration on the Elimination of Abuse Against Women, which was approved in 1993. The Foundation was established in 1996 to help the United Nations' efforts to reduce violence against women. The UN Secretary-General stated in 2008 that the joint long-term campaign "UNITE to End Violence Against Women" aims to strengthen global efforts to close funding gaps, provide critical services to victims of violence during the pandemic, collect data to strengthen the capacity of service providers for women, and increase their attention to prevention. This topic was highlighted in the Human Rights Council in 2010, and resolution 14/12 on increasing steps to reduce violence against women was approved. The Commission on the Status of Women presents a report on violence

¹⁸ Хамраева Ш. Аёллар траффиги (пуллаш) ни бартараф этишнинг халқаро ҳуқуқий муаммолари. юрид. фан. номз. дис. ... автореф. – Т.: ТДЮУ, 21 май, 2004. – 22 б.

¹⁹ Маткаримова Г.А. Гендерные и репродуктивные права женщин в международном и национальном праве. Автореф. дис... докт. юрид. наук. – Т.: ТГЮУ, 8 мая 2002. – 42 с

²⁰ Холова Э. Международно-правовые аспекты борьбы с вербовкой женщин и детей. Автореф. дис... канд. юрид. наук. – Т.: УМЭД, 26 сентября 2008г. – 26 с.

²¹ Хамдамова Ф. У. Человек и закон. // Необходимость принятия закона о предупреждении домашнего насилия и условия его эффективности 2018. № 3. С. 139

²² As of 2020, the Convention has been ratified by 197 countries around the world. Available at:

https://tbinetnet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en

²³ Klugman, Jeni. 2017. Gender Based Violence and the Law; Gender Based Violence and the Law. World Development Report Background Paper; © World Bank, Washington, DC. Available at:

<https://openknowledge.worldbank.org/entities/publication/3ad1cff2-2c3f-5bf1-a3ad-d774b17005c2> License: CC BY 3.0 IGO.”



against women in 2013.²⁴ In addition, women's rights are incorporated in practically every state's constitution and have a specific position in law as well as development plans and initiatives. Nonetheless, women's rights are not adequately protected in any state.²⁵ There remains a gap between the established equality of women, as well as the implementation of this principle.²⁶ The legislation of most States does not yet comply with international standards. This will entail the improvement of mechanisms for the protection of women's rights in international and national legislation.²⁷ Research in the field of women's rights protection, in particular, the elimination of violence against women, is now becoming one of the main goals of legislation in almost all countries.

This issue is addressed in our national legislation. So far, the Republic of Uzbekistan has signed more than 80 international human rights treaties, committing to take all necessary steps to safeguard human rights in conformity with international norms. It is worth emphasizing that our country has been a signatory to well recognized international human rights instruments since its inception. Uzbekistan has signed several conventions, agreements, and treaties, including the 1995 UN International Convention on the Elimination of All Forms of Discrimination Against Women.²⁸ The equality of men and women is also recognized in the Republic of Uzbekistan's Constitution.²⁹ Laws No. 561 "On the Protection of women from harassment and violence" and No. 562 "On guarantees of equal rights and opportunities for women and men" were adopted on 02.09.2019.³⁰ The Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017-2021 pays special attention to the improvement of the status of women.³¹ However, an analysis of national legislation, as well as consideration of the recommendations of UN human rights bodies and the role of Uzbekistan in global gender indicators show that much more needs to be done. This, in turn, requires further research in this direction.³² Furthermore, the president signed a law "on amendments and additions to certain legislation in connection with the further improvement of the system of reliable protection of the rights, freedoms, and legitimate interests of women and children" on April 11, 2023.³³ Several revisions and additions to the Criminal Code were made by the statute.

²⁴ Ending Violence against Women and Girls Programming Essentials June 2013. P. 18

²⁵ Рубина И.Е.. Международная защита прав женщин. Автореф. дис. ...канд.юр.наук.- Петрозаводска, 2001.- С.5

²⁶ Чеботарева А.С. Международная защита прав женщин. Автореф. дис. ...канд.юр.наук.- Москва, 1994.- С.5

²⁷ Хамдамова Ф.У. Международно-правовое сотрудничество Республики Узбекистан по вопросам обеспечения и защиты прав женщин. Автореф. Ташкент, 2021.- Б.5.

²⁸ Ibid at 21

²⁹ The Constitution of the Republic of Uzbekistan, Article 58

³⁰ <https://lex.uz/docs/-4494709>

³¹ The Action Strategy 2017-2021 of the Republic of Uzbekistan, № PF-4947 (2017)

³² Ibid at 6

³³ <https://lex.uz/uz/docs/-6430272#-6430942>



After Georgia, Kyrgyzstan, Moldova, and Ukraine, Uzbekistan is now the fifth country in Eastern Europe and Central Asia to outlaw domestic abuse as a distinct criminal crime under the law.³⁴

Conclusion

There is still more work to be done even though there has been a lot of progress achieved in creating national and international legal frameworks to address violence against women. The paper has clarified the significance of looking into this important matter and has underlined the necessity of ongoing efforts to improve and successfully apply these frameworks. Governments, public society, and international organizations must work together to address the underlying causes of violence against women and to offer protection and assistance to survivors. It cannot be aspired to establish a society free from the danger of violence and prejudice against women unless consistent action and dedication to this goal are taken.

REFERENCES:

1. Чеботарева А.С. Международная защита прав женщин: Автореф. дис. ... канд. юр. наук. - Москва, 1994.
2. Рубина И.Е. Международная защита прав женщин: автореф. дис. ... канд. юр. наук. - Петрозаводск, 2001.
3. Петрушина Е.А. Институт прав женщин: Соотношение международно-правового и внутригосударственного регулирования. Автореф. дис. ... канд. юр. наук. – Казань, 2002. – 20 с.
4. Шаповалова Н.Н. Международно-правовые стандарты по защите прав женщин и их имплементация в европейских странах. Автореф. дис. ... канд. юр. наук. - Москва, 2002. – 20 с
5. Поленина С.В. Права женщин в системе прав человека: международный и национальный аспект. - М: ХПИ «ЭСЛАН», 2000.
6. Rebecca Cook. Human Rights of Women: National and International Perspectives. University of Pennsylvania Press, 1994 – 634 p.
7. Charlotte Bunch. Women's Rights as Human Rights: Toward a Re-Vision of Human Rights // Human Rights Quarterly, Vol. 12, No. 4 (Nov., 1990), pp. 486-498.; Feminism In The 80s: Bringing the Global Home. Antelope Publications, 1985.
8. Arvonne S. Fraser. Becoming Human: The Origins and Development of Women's Human Rights // Human Rights Quarterly, Vol. 21, No. 4 (Nov., 1999),

³⁴ Парламент Узбекистана принял давно назревший закон об уголовной ответственности за насилие в семье Available at: <https://eurasia.amnesty.org/2023/04/06/parlament-uzbekistana-prinyal-davno-nazrevshij-zakon-ob-ugolovnoj-otvetstvennosti-za-nasilie-v-seme/>



pp. 853-906; Arvonne S. Fraser and Irene Tinker (eds.), *Developing Power: How Women Transformed International Development*, New York: The Feminist Press at The City University of New York, 2004, 372 pp; *The U.N. Decade for Women: Documents and Dialogue*. By Arvonne S. Fraser. Boulder and London: Westview Press, 1987. Pp. xi, 235.

9. Мутаххари, Муртаза. Маджму'е-йе асар-е оstad-е шахид-е Мутаххари. Джелд 19 (Незам-е хокук-е зан дар ислам, Мас'але-йе хеджаб, Пасохха-йе оstad, Ахлак-е дженси) [Собрание сочинений покойного профессора]

10. Мутаххари. Том 19 (Структура прав женщин в исламе, Проблема хиджаба, Ответы профессора, Половая этика)]. Изд. 2-е. Тегеран: Садра, 1379/2000

11. Sarfraz A, Sarfraz Z, Sarfraz M, Qarnain Z. Gender-based violence in Pakistan and public health measures: a call to action. *Bull World Health Organ*. 2022 Jul 1;100(7):462-464. doi: 10.2471/BLT.21.287188. Epub 2022 Jun 6. PMID: 35813516; PMCID: PMC9243683.

12. Tazeen S. A, "50% of Pakistani women suffer domestic violence, reports the Dawn", *The Times of India*, November 6, 2016. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2986723

13. Саидов А.Х. Международное право прав человека. Уч.пособие // Отв.ред. Б.Топорнин. – Москва МЗПРЕСС, 2002. – 89с.; *Общепризнанные права человека. Уч. пособие // Под ред. И.Лукашука. МЗМЗПРЕСС, 2004. 68 с.*

14. Юлдашева Г. Имплементация международно-правовых норм по правам человека в национальное законодательство Республики Узбекистан. Автореф. дис...канд. юрид. наук. – Т.: ТГЮУ, 11 мая 2001. – 23 с

15. Тиллабаев М.Т. Международно-правовые основы деятельности национальных институтов по правам человека. Автореф. дис.... канд. юр. наук. – Т.: ТГЮУ, 15 апреля 2005 г. – 30 с

16. Гафуров А.Б. Взаимоотношение норм международного права и национального законодательства по правам человека (проблемы теории и практики). Автореф. дис.... канд. юр. наук. Т: ТГЮУ, 2 марта 2001 г. 22 с.

17. Исмаилов Б. Международные стандарты в области личных прав и свобод человека в национальное законодательство Республики Узбекистан (проблемы взаимодействия и имплементации). Автореф. дис.... канд. юр. наук. – Т.: УМЭД, 12 января 2007 г. – 45 с.

18. Хамраева Ш. Аёллар траффиги (пуллаш) ни бартараф этишнинг халқаро ҳуқуқий муаммолари. юрид. фан.номз. дис. ...автореф. – Т.: ТДЮУ, 21 май, 2004. – 22 б.



19. Маткаримова Г.А. Гендерные и репродуктивные права женщин в международном и национальном праве. Автореф. дис...докт. юрид. наук. – Т.: ТГЮУ, 8 мая 2002. – 42 с

20. Холова Э. Международно-правовые аспекты борьбы с вербовкой женщин и детей. Автореф. дис...канд. юрид. наук. – Т.: УМЭД, 26 сентября 2008г. – 26 с.

21. Хамдамова Ф. У. Человек и закон. // Необходимость принятия закона о предупреждении домашнего насилия и условия его эффективности 2018. № 3. С. 139

22. As of 2020, the Convention has been ratified by 197 countries around the world. Available at:

https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx

?Treaty=CEDAW&Lang=en Klugman, Jeni. 2017. Gender Based Violence and the Law; Gender Based Violence and the Law. World Development Report Background Paper;. © World Bank, Washington, DC. Available at: <https://openknowledge.worldbank.org/entities/publication/3ad1cff2-2c3f-5bf1-a3ad-d774b17005c2> License: CC BY 3.0 IGO.”

23. Ending Violence against Women and Girls Programming Essentials June 2013. P. 18

24. Рубина И.Е. Международная защита прав женщин. Автореф. дис. ...канд.юр.наук.- Петрозаводска, 2001.- С.5

25. Хамдамова Ф.У. Международно-правовое сотрудничество Республики Узбекистан по вопросам обеспечения и защиты прав женщин. Автореф. Ташкент, 2021.- Б.5.

26. The Constitution of the Republic of Uzbekistan, Article 58

27. <https://lex.uz/docs/-4494709>

28. The Action Strategy 2017-2021 of the Republic of Uzbekistan, № PF-4947 (2017)

29. <https://lex.uz/uz/docs/-6430272#-6430942>

30. Парламент Узбекистана принял давно назревший закон об уголовной ответственности за насилие в семье Available at: <https://eurasia.amnesty.org/2023/04/06/parlament-uzbekistana-prinyal-davno-nazrevshij-zakon-ob-ugolovnoj-otvetstvennosti-za-na>