

## Legal and Institutional Aspects of the Fight against Violence in Uzbekistan

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### Abstract:

in this article the prevention inspector's understanding of the prevention of offenses related to domestic violence, family violence, victimological preventive measures, social adjustment, legal norms that cause responsibility, proposals and considerations have been highlighted.

**Keywords:** prevention inspector, family violence, victimological prevention, social adaptation.

### Introduction

The words of the President of the Republic of Uzbekistan Sh.Mirziyoyev: "I am deeply troubled by the fact that there are cases of unhealthy relationships in families, conflicts between mothers-in-law and daughters-in-law, spouses, and suicides among our women"<sup>1</sup> testifies to the fact that the fight against violence in our country is under the personal control of the head of state. The process of combating violence in Uzbekistan is based on international experience and relies on the experience of the world's leading countries and international organizations in these matters.

November 25 is celebrated by the United Nations as "Day to Combat Violence against Women." This date is dedicated to the bright memory of the Mirabella sisters who fought against the dictator Rafael Trujillo, who ruled the Dominican Republic in the last century. As it turned out, the dictator's favorite words were: "Whoever is not my friend will suffer for this." The sisters fought against this brutal dictator and were killed by the secret police on November 25, 1961.<sup>2</sup> Currently, there is a

<sup>1</sup> Мирзиёев Ш. М. Ватанимиз тақдири ва келажаги йўлида янада ҳамжиҳат бўлиб, қатъият билан ҳаракат қилайлик. // Халқ сўзи. — Т., 2017 йил. 16 июнь.

<sup>2</sup> Hermanas Mirabal – La República Dominicana (jmarcano.com) - Hermanas Mirabal. Мурожаат этилган сана: 22.06.2022 й.

museum dedicated to the sisters in the Dominican Republic, and one district of the country is named after these women.

Thus, the fight against violence has become a global movement. By the twentieth century, humanity had become so civilized that it condemned the use of physical force, the use of psychological and economic superiority to harm others, and sexual intercourse without mutual consent. At the same time, such cases are repeated millions of times on Earth, and in some regions the situation is even worse, while in others, violence has reached a point where it is considered a disgusting act that is not accepted by society.

As a result of the development of public opinion on an international scale, a number of legal foundations for combating violence have been formed. The basis of such conventions and international pacts is the Universal Declaration of Human Rights, adopted by the United Nations in 1948. According to Article 5 of the Declaration, "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment".<sup>3</sup> For the first time in the world, clear manifestations of violence, such as torture, cruel and inhuman treatment, and degrading treatment and punishment, have been defined as unacceptable. It is known that as a legal document, the declaration has no binding force, its norms have a recommendatory character, and the states that adopted it do not have certain obligations. At the same time, the Universal Declaration of Human Rights served as the ideological basis for the constitutions of most subsequently adopted states. This led to the strict prohibition of such forms of violence in the constitutions.

## Methodology

If we pay attention to the historical and social environment in which the Universal Declaration of Human Rights was adopted, then it coincided with a period when humanity saw the most unacceptable forms of violence and was tired of fascism, war, and mutual contradictions. In such circumstances, the adoption of such a declaration was a major step towards reducing historical necessity and violence.

The Universal Declaration of Human Rights, adopted by the United Nations, was of a recommendatory nature, and later, on December 19, 1966, the International Covenant on Civil and Political Rights was adopted, which established certain obligations for the states that adopted it. Article 20 of the Covenant was one of the first international documents to introduce the concept of violence and establish legal liability for such actions. In particular:

1. Any propaganda of war should be prohibited by law.
2. Any act of national, religious, or racial hatred that incites discrimination, hostility, or violence must be prohibited by law.<sup>4</sup>

This document was ratified by the Republic of Uzbekistan on December 28, 1995, and established national institutions and mechanisms for all measures related to its implementation. According to the Covenant, any activity aimed at inciting violence should be prohibited by law at the national level.

## Results

Subsequently, the results of philosophical, legal, and other research in this area, as well as the efforts of the international community and organizations, led to the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Let us dwell on the difference between the concepts of violence and torture. Violence is a much broader concept

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<sup>3</sup> <https://constitution.uz/uz/pages/humanrights> - Инсон ҳуқуқлари умумжаҳон декларацияси Мурожаат этилган сана: 13.05.2023 й.

<sup>4</sup> <https://lex.uz/docs/2640479#5582581> - Халқаро пакти Фуқаровий ва сиёсий ҳуқуқлар тўғрисида Мурожаат этилган сана: 13.05.2023 й.

and is divided into physical, psychological, sexual, and economic types. Violence is an activity aimed at causing harm to a person, and its motives can be different. For example, economic violence in the family is expressed in evasion of support for one's spouse or children, and its motive may be related to a lack of legal culture, personal animosity, and other reasons. Torture is used specifically to force a person to do certain things. Used during the investigation to force a confession of guilt, to dissuade or change the opinion of a person with a certain political and other worldview. "Article 1 of the Convention against Torture defines the concept of torture. According to it: Torture - punishment of a person for an act committed or suspected of being committed by him or a third person, intentional infliction of severe physical or moral pain or suffering in order to obtain information or confessions from him or a third person, as well as intimidation of him or a third person for any reason based on discrimination of any kind or coercion to commit certain actions, such pain and suffering are carried out by a state official or another person holding an official position, or at his instigation, or with his knowledge or with his informed consent".<sup>5</sup> Violence is a much broader concept, and in our national legislation, "violence is an illegal act (inaction) that encroaches on the life, health, sexual inviolability, honor, dignity and other rights and freedoms protected by law in relation to women through physical, psychological, sexual or economic influence or the threat of such measures of influence"<sup>6</sup>.

## Discussion

As can be seen from the above, torture is a form of violence. Violence has a broader socio-philosophical meaning than a legal one, and in addition to the use of physical force, there are also types of economic, psychological, and sexual violence that harm a person, are used against his interests and against his will, or are carried out in a way that he does not know that he is a victim of such violence.

The idea of a new Uzbekistan is not only a unique educational path of awakening at the national level, bringing social relations to a new level and development, but also a society and state that is part of a unique form of integration with the world community. Because for many years, based on the recommendations of international organizations and leading Western countries on ending violence, it was necessary to adopt a law regulating these issues at the national level. This law was adopted only in 2019, creating a legal framework for combating violence in Uzbekistan. The Law of the Republic of Uzbekistan "On the Protection of Women from Harassment and Violence" consists of 35 articles and was adopted on September 2, 2019.<sup>7</sup> The law defines the concepts of sexual, physical, economic, and psychological violence for the first time. The concept of so-called "pressure," distinct from violence, was defined as "action (inaction), harassment, persecution that infringes upon the honor and dignity of women, for the commission of which administrative or criminal liability is not provided".<sup>8</sup> Although harassment reflects some aspects of violence, no liability has been established for it. Because pressure is a type of relationship that can only occur in the circle of people who are in close contact with each other - the work collective, family, or friends. There are objective and subjective aspects of pressure, and the objective side can express certain habitual actions. For example, constantly speaking loudly with the same employee by the head of the department is considered psychological pressure or physical contact with touching as sexual pressure. The fact is that, although these standard actions may appear as external pressure, in some cases they may not be assessed as pressure, since these relationships are between individuals in small groups. This is the subjective side of pressure. Because the relationship between these

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<sup>5</sup> <http://nhrc.uz/uz/menu/ijnolardan-ozod-blish-uui> - Қийноқлардан озод бўлиш ҳуқуқи Мурожаат этилган сана: 13.05.2023 й.

<sup>6</sup> <https://gendermadad.uz/uz/document/2469> - Зўравонлик турлари. Мурожаат этилган сана: 13.05.2023 й.

<sup>7</sup> <https://lex.uz/docs/4494709> - Қонун ҳужжатлари маълумотлари миллий базаси, 03.09.2019 й., 03/19/561/3680-сон. Мурожаат этилган сана: 05.02.2022 й.

<sup>8</sup> Ўша манба.

subjects can have such a character, such actions considered deviant may in some cases be commonplace. For example, it is necessary to take into account that the tactile connection between representatives of two opposite sexes arises from such feelings as friendship. It should be noted that within the framework of this law, harassment is interpreted as an antisocial phenomenon in combination with violence.

The document "Strategy-2030," which is a long-term development program of Uzbekistan, defines the tasks of "creating an atmosphere of intolerance towards harassment and violence against women in society, ensuring the rights and legitimate interests of women".<sup>9</sup> is defined as an important direction of state policy. In this document, the main attention was paid to the socio-philosophical aspect of solving the problem. Because, as long as there is no change in a person's worldview, violence is perceived not as a disgusting vice, but as a normal aspect of everyday life. In Uzbekistan, the public is quite active in adhering to national and religious traditions, monitoring this process, and, if necessary, developing and applying sanctions. In the context of the popularization of social networks, it can be seen that these processes are taking on a national character. At the same time, we see that differences in worldview - the acceptance of violence - are different in different regions. The main goal of the unified state policy is also to create a mechanism for combating violence within the country and to develop the skills of non-acceptance in public consciousness.

## Conclusion

The study highlights the significant legal and institutional advancements in Uzbekistan's fight against violence, particularly in aligning national legislation with international human rights standards. The findings emphasize the crucial role of legal frameworks, such as the 2019 Law "On the Protection of Women from Harassment and Violence," in defining and addressing various forms of violence, including physical, psychological, sexual, and economic abuse. Additionally, the research underscores the importance of prevention strategies, victim support mechanisms, and the role of law enforcement in ensuring the effective implementation of legal provisions. Despite these advancements, the study identifies key challenges, including societal attitudes toward violence, gaps in enforcement, and regional disparities in the perception and response to violence. The implications of these findings suggest that legislative measures alone are insufficient without a concurrent shift in public consciousness and institutional commitment to eradicating violence. To bridge existing gaps, future research should focus on the effectiveness of legal interventions, comparative analyses of international best practices, and sociocultural factors influencing the persistence of violence. Additionally, further studies should explore the role of digital and media platforms in shaping public attitudes toward violence and examine the impact of economic and psychological interventions on reducing domestic violence. Addressing these knowledge gaps will contribute to the development of a more comprehensive, interdisciplinary approach to combating violence in Uzbekistan, ensuring that legal reforms translate into tangible improvements in societal safety and well-being.

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<sup>9</sup> Ўзбекистон Республикаси Президентининг Фармони, 11.09.2023 йилдаги ПФ-158-сон. Қонунчилик маълумотлари миллий базаси, 12.09.2023 й., 06/23/158/0694-сон; 29.12.2023 й., 06/23/214/0984-сон

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