

LEGAL ISSUES OF PROTECTING WOMEN AND CHILDREN VICTIMIZED BY HARASSMENT AND VIOLENCE

<https://doi.org/10.5281/zenodo.20837794>

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Abstract

The article analyzes the protection of women and children from violence and abuse based on national and international experience. It examines national legislation and judicial practice, international practices, identifies gaps, and proposes measures to protect victims. Recommended measures include protection orders, electronic monitoring, specialized judges, and integrated social services.

Keywords

violence, women, children, legal protection, protection orders, electronic monitoring, social services, judicial practice, international experience

The issue of harassment and violence against women and children is becoming one of the most pressing social and legal problems in contemporary society. According to data from the World Health Organization and UN Women, one in every three women experiences physical or psychological violence during her lifetime, and such cases often have a negative impact on the social integration of victims.¹²³

Moreover, domestic violence and threats against children have an adverse impact on their psychological well-being, education, and social development. This, in turn, contributes to social instability within society and increases the burden on social services.

Furthermore, Article 26 of the Constitution establishes that no one may be subjected to torture, violence, or other cruel, inhuman or degrading treatment or punishment. Article 58 further stipulates that women and men have equal rights.¹²⁴

¹²³ <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

¹²⁴ <https://lex.uz/docs/6445145>

In recent years, the protection of women and children from harassment and violence has also been designated in Uzbekistan as one of the priority areas of state policy. The Law “On the Protection of Women from Harassment and Violence”,¹²⁵ adopted in 2019, covers various forms of violence and provides victims with prompt legal protection mechanisms. The law provides for such measures as the issuance of protection orders, the filing of claims before courts for compensation for pecuniary and non-pecuniary damage, and the provision of free legal consultations. This represents a practical manifestation of the State’s social responsibility in ensuring the rights of victims.

The issue of violence against women and children has also been widely examined from a scientific perspective. From the standpoint of victimology, the victim’s social environment, background circumstances, and psychological condition determine the consequences of violence. In addition, factors such as the victim’s age, gender and social status, the nature of family relationships, and economic independence may increase the likelihood of becoming a victim of violence.

Within the framework of gender theory, violence is regarded not merely as an individual act, but rather as a consequence of unequal power relations existing in society. The imbalance of social and economic opportunities between women and men, as well as the persistence of gender stereotypes in practice, contributes to the development of violence as a social vice. A gender-based analysis is essential in shaping mechanisms for the protection of victims, since the causes and consequences of violence are associated with a complex set of social and psychological factors.

International law and human rights norms also serve as a fundamental theoretical basis for the protection of victims. The Convention on the Elimination of All Forms of Violence against Women¹²⁶, adopted by the United Nations, imposes an obligation on States to protect women from violence and to implement legal mechanisms. Likewise, the International Convention on the Rights of the Child establishes the protection of children from all forms of violence as a duty of the State.

From this perspective, in theoretical terms, the issue of violence is regarded not only as a social vice, but also as a complex phenomenon that must be addressed from legal and institutional perspectives. The analysis of victimology, gender theory and international legal norms provides the principal scientific foundation for improving mechanisms aimed at protecting victims.

¹²⁵ <https://lex.uz/docs/4494709>

¹²⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

In Uzbekistan, the protection of women and children from harassment and violence has been established as a priority area of state policy. The Law “On the Protection of Women from Harassment and Violence” covers various forms of violence and provides for the introduction of prompt legal protection mechanisms for victims. The law establishes such measures as the issuance of protection orders, the filing of claims for compensation for pecuniary and non-pecuniary damage, the provision of free legal consultations, and assistance in the social rehabilitation of victims.

However, the practical effectiveness of the law has not yet reached a sufficiently high level. According to national judicial statistics, in the first half of 2025, nearly 5,000 persons in Uzbekistan were held liable in criminal or administrative proceedings in connection with domestic and family violence, of whom 4,952 persons were brought to administrative liability and 231 persons to criminal liability¹²⁷. These indicators demonstrate that a significant proportion of domestic and family violence cases are resolved through administrative mechanisms, which indicates that victims are not always able to fully exercise their right to legal protection.

An analysis of judicial practice shows that the majority of victims face difficulties in seeking legal protection. For example, the lengthy period required to obtain a court decision in the process of receiving protection orders, as well as the limited number of legal counselling and assistance centres, restrict victims’ ability to defend their rights. According to a study conducted in 2024 by civil society organisations and the United Nations Development Programme (UNDP), after domestic violence was criminalised in Uzbekistan in April 2023, more than 55 per cent of domestic violence-related cases were terminated through reconciliation procedures, while more than 90 per cent of victims did not have access to legal assistance or representation by a lawyer¹²⁸.

Another difficulty faced by victims in obtaining legal protection concerns the effectiveness of protection orders. Even after a protection order has been issued, in many cases victims continue to live with the offender, or the system of social and psychological support available to them does not operate at a sufficiently effective level. This, in turn, significantly reduces the practical effectiveness of protection orders and the relevant legislation.

Therefore, national legislation should not be limited merely to the establishment of legal norms; it is also necessary to introduce social services, psychological assistance, and rapid monitoring systems in order to ensure their

¹²⁷ <https://www.gazeta.uz/oz/2025/08/05/violence/>

¹²⁸ https://www.hrw.org/news/2026/03/04/uzbekistans-domestic-violence-reforms-fall-short?utm_source=chatgpt.com

effective implementation. These mechanisms serve to ensure that victims can fully exercise their right to legal protection and to strengthen the practical role of the State in eliminating domestic violence.

In brief, although the legislation of Uzbekistan provides the basic legal framework for the protection of victims, its effectiveness remains insufficient due to the lack of full integration with judicial practice and social services. Accordingly, improving national legislation and introducing effective mechanisms based on foreign experience constitute an urgent task.

The experience of foreign countries in eliminating violence against women and children and protecting victims is important for developing effective models for Uzbekistan. The practices of Spain, the United States, and Türkiye are of particular theoretical and practical interest and may serve as relevant examples.

In Spain, specialised courts have been established to hear cases related to domestic and family violence. Judges and legal professionals working in these courts undergo special training and deal specifically with cases involving domestic and family violence. At the same time, a comprehensive protection system has been created for victims, in which legal assistance, psychological counselling, and social support centres operate in an integrated manner. Through these mechanisms, victims are able to make effective use of legal protection, while the risk of repeated violence is reduced¹²⁹.

In the United States, the Violence Against Women Act (VAWA) was adopted in 1994 as a legal instrument aimed at combating violence against women. It plays an important role in ensuring the protection of victims, implementing preventive measures, and preventing crimes. Within the framework of VAWA, protection orders for victims, social and psychological support measures, as well as supervision and punishment measures against offenders have been strengthened¹³⁰.

In Türkiye, one of the modern methods of protecting women is the electronic monitoring system. Electronic bracelets are used for persons who have committed acts of violence, and rapid legal services are organised for victims. Through this system, the safety of victims is continuously monitored, and a warning mechanism against offenders operates in practice. In addition, social support centres and psychological assistance services in Türkiye provide victims with prompt and comprehensive assistance.

When analysing foreign experience, education and social support systems are also of particular importance. In Spain and the United States, programmes aimed at promoting gender equality and preventing violence are implemented in schools

¹²⁹ <https://www.coe.int/en/web/istanbul-convention/spain>

¹³⁰ <https://www.congress.gov/bill/103rd-congress/senate-bill/11>

and universities. These programmes contribute to the development of social awareness, respect for gender equality, and a negative attitude towards violence among children and young people. Moreover, social support systems help reduce cases of repeated violence by ensuring the psychological and economic independence of victims.

Thus, foreign experience demonstrates that specialised courts, comprehensive protection systems, electronic monitoring, preventive programmes, and social assistance mechanisms are highly effective in protecting victims. The integration of such systems in Uzbekistan would significantly enhance the effectiveness of national legislation and judicial practice.

Although Uzbekistan has achieved important progress in the field of protecting women and children from harassment and violence, a number of shortcomings and inefficiencies remain in national legislation and judicial practice.

First of all, one of the main shortcomings of national legislation is the insufficient integration of the system in ensuring victims' full access to legal protection. Although the Law "On the Protection of Women from Harassment and Violence" provides for the issuance of protection orders and the provision of legal assistance, in practice the lengthy and complicated process of issuing such orders limits victims' ability to make effective use of legal protection. In addition, legal aid centres and social services do not operate at a sufficiently effective level, which results in victims having only limited access to lawful protection.

The social and psychological difficulties faced by victims also constitute a pressing issue. Women and children who have become victims of violence often experience psychological trauma, stress, and social isolation. Due to the lack of adequate safety and social support within the family environment, they are often unable to effectively use the legal remedies available to them. At the same time, limited economic independence makes it more difficult for victims to seek legal protection, as in many cases they are forced to continue living in the same household with the perpetrator.

The analysis of these problems shows that national legislation and judicial practice should not be limited merely to the establishment of legal norms, but should also integrate social, psychological, and preventive measures. In order to ensure that victims can fully benefit from legal and social protection, it is necessary to effectively coordinate protection orders, social services, psychological assistance, and electronic monitoring systems.

Thus, shortcomings in national legislation, inefficiencies in judicial practice, and the social and psychological difficulties faced by victims limit the effectiveness

of the protection of women and children. Addressing these issues should be regarded as one of the key tasks in improving the State's social and legal policy.

A number of legal, social, and technological measures may be implemented to improve the system for protecting women and children from harassment and violence. First and foremost, it is recommended to introduce electronic monitoring systems in order to enhance the effectiveness of protection orders and ensure their prompt and accessible application. Through electronic bracelets, it becomes possible to monitor the movements of offenders, ensure the safety of victims, and automatically provide relevant information to courts and social services. This system is being applied with a high degree of effectiveness in the United States and Türkiye.

The second important measure is the development of specialised judges and an integrated judicial network. The functioning of specialised judges within the national judicial system to hear cases involving domestic and family violence would ensure that victims can effectively exercise their right to legal protection. Through a network integrated with courts and social services, victims may be provided with prompt and comprehensive legal, psychological, and social assistance. The examples implemented in Spain demonstrate that specialised courts and comprehensive protection systems are highly effective in reducing violence.

The third measure is the establishment of comprehensive social service centres. Such centres should provide victims with legal counselling, psychological rehabilitation, and social support simultaneously. In addition, it would be appropriate to introduce professional development and vocational training programmes in order to ensure the economic independence of victims. Such an integrated assistance system would strengthen cooperation between judicial bodies and social services in Uzbekistan and reduce cases of repeated violence.

The fourth measure is the introduction of a system of digital monitoring and public oversight. Through a mobile application and an online platform, victims may be informed about protection orders and legal procedures, the movements of offenders may be monitored, and support from the local community may be ensured. This mechanism increases public awareness and strengthens cooperation between the State and society in ensuring the safety of victims.

Thus, protection orders and electronic monitoring systems, specialised judges and an integrated judicial network, comprehensive social service centres, as well as digital monitoring and public oversight mechanisms are of great importance in transforming the system for protecting women and children from harassment and violence in Uzbekistan into an effective and integrated framework.

The issue of protecting women and children from harassment and violence remains socially and legally relevant in Uzbekistan and requires further improvement of national legislation and judicial practice. Although national legislation provides the basic legal framework for the protection of victims, access to legal protection remains limited due to inefficiencies in judicial practice and the insufficient integration of social services. Victims often face psychological, social, and economic difficulties, which increases the risk of repeated violence.

The analysis of foreign experience has shown that specialised courts, comprehensive protection systems, electronic monitoring, preventive measures, and educational programmes are highly effective in protecting victims. The experience of Spain, the United States, and Türkiye demonstrates the possibility of introducing similar integrated mechanisms in Uzbekistan.

On the basis of the proposed recommendations, the following measures are considered essential for improving the system of protecting women and children in Uzbekistan: the broad introduction of protection orders and electronic monitoring systems; the development of specialised judges and an integrated judicial network; the establishment of comprehensive social service centres; and the implementation of digital monitoring and public oversight. In addition, it would be appropriate to expand legislation concerning psychological and economic violence, as well as to strengthen mechanisms for providing psychological assistance, social support, and economic independence.

Thus, these measures will ensure that victims in Uzbekistan can fully benefit from legal, social, and psychological protection, while also strengthening the practical role of the State in preventing domestic and family violence.

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