

The Rights of Women and Girls Ensured in the Family: Rate of Violence and Discrimination

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Abstract

In this article the provision of women's rights in the family, types of violence, family violence and the emergence of divorces, social discrimination, the responsibility of the perpetrators who committed the family violence as well as the experience of foreign countries are analyzed.

Keywords: women's rights, equal rights, maternity protection, social discrimination, family violence, discrimination, decree, alimony, protection order, legal guarantee, equality.

As a result of the reforms carried out in our country, all the organizational and legal conditions are being created for further increasing the position of the family in society, supporting it in legal, social, economic, spiritual and moral terms, forming a medical culture in the family, and creating a healthy family.

Over the past years, some regulatory and legal documents in family law have been developed anew, based on the needs of the time, a number of changes have been made, in particular, the Family Code, about 50 laws related to the family, more than 20 decrees, decisions and orders of the President, more than 80 decisions of the government and orders were accepted [1]. Equal rights of men and women in family relations are also established.

But what is the situation in everyday life? Are all family relationships in our society regulated according to laws? Or whether the violence of one party has been revealed since the first day of marriage. Most domestic violence is committed in the family compound without witnesses, that is, "behind closed doors". Has the issue of women enduring domestic violence and living patiently without disclosing it been studied?

The term "domestic violence" was proposed for the first time by Jack Ashley in his 1973 address to the British Parliament as the most severe form of domestic discrimination against women [2].

Here we turn to the analysis of researchers who have studied the issue of family violence. In particular, according to O. L. Danilova, the most important feature of family violence is the ability to repeat several types of violence (physical, psychological, economic and sexual) during the event. According to him, there is a difference between violence and family quarrels. If violence has a systemic basis and is continuous and socially dangerous, the conflict is local and individual in nature and does not have the level of social danger [3].

The following types of violence are classified in modern legal literature:

1. Domestic violence - any psychological, physical or sexual violence against family members. In such situations, a combination of physical and psychological violence is often observed. In order to gain complete control over the victim, the aggressor tries to scare him, instill a feeling of fear;
2. School violence (bullying) - physical or mental violence of a pedagogue against a student;
3. Violence at work (mobbing) - violence against members of work teams - is committed in the form of psychological pressure, insults, gossip, spreading false information;
4. Social violence - psychological, physical or sexual violence committed by strangers in public places, on the street [4].

The victims of domestic violence are mostly women. According to WHO, 70% of women who are victims of domestic violence in the world did not report the fact of violence to anyone. This is due to their complete dependence on the person who committed the violence, failure to report the situation to the law enforcement authorities, lack of trust in the activities of the structures that fight against the causes of violence and help to eliminate its consequences (victimblaming), the lack of introduction of legal mechanisms in the field or the failure of existing ones, as well as it is shown that there are no laws protecting against domestic violence [5].

According to A. Yu. Slanova: "The consequences of family violence can have a negative effect on the psyche of a person and lead to suicide" [6].

Human rights of daughters-in-law (brides-in-law) in Central Asia: harmful traditional practices and structural oppression " by Galim Jusipbek and Janar Nagaeva , who conducted research on the rights of daughters-in-law and Janar Nagaeva, published in the Central Asian Survey magazine in December 2020 . Harmful Traditional Practices and Systematic Oppression" says that although various aspects of the life of brides in Central Asia have been researched by experts in sociology, anthropology and feminism (feminist studies), the human rights of brides have not been sufficiently studied, that is, the issue of the human rights of brides is a human issue. organizations and researchers who protect their rights are not paying attention. In their analysis, they show the need to look at the problem of discriminatory treatment of brides through the prism of universal human rights [7].

The study also analyzes the social status of the bride in a traditional family through the concept of the philosopher Iris Young's "Five faces of oppression". In particular , *using ezib* - this situation is manifested in the fact that the bride lives to benefit others. That is, they are only expected to give birth to children and do the hardest work in the family.

Marginalization - according to cultural norms, daughters-in-law have the lowest status in the family, she is subordinate to both her mother-in-law and her husband, and she has no right to express her opinion.

Disenfranchisement - The disenfranchisement associated with the bride is that she cannot enjoy her rights as a human being without the permission of her husband's family members. The bride has no choice, no education, no rest, and no right to strengthen her potential as a person.

Cultural Imperialism - informal social norms dictate that a "good" bride should be obedient but not arrogant. In addition, the body does not belong to him, because it is only a tool needed to achieve the benefit of others (he is expected to give birth to children at the right time, they should be boys in order for everything to go according to the brochure).

Violence - Stunness often turns into violence and is another form of oppression.

Such treatment of brides in the family is contrary to the provisions of the UN Convention on the Elimination of All Forms of Discrimination Against Women.

In fact, women who orphaned their children alive because they could not bear the "fist" of life are blamed in society for family disputes. Consequently, the negative stereotypes formed against women in the "divorced" status prevent women from remarrying after divorce and cause problems in their relationships with people in schools, work groups and other places. In many cases, divorced women face social discrimination by society. Such relations can be seen from the lawsuits made against women.

Like other countries in the world, in accordance with the Law "On Protection of Women from Harassment and Violence" adopted in 2019, a protection order has been introduced, which provides state protection to women who have suffered from harassment and violence.

The protection warrant is issued to women who have been victimized by their husbands in the family, who have been oppressed by third parties, (minor) girls who have been oppressed by their parents or other persons; It is given to women who have suffered in disputes between neighbors, who have been harassed or harassed on the street, at work, or in studies, who have been victims of violations or crimes.

When a protection order is issued, a 30-day restriction is imposed on the person who committed the harassment or violence. If the danger has not been eliminated at the end of the period, the validity period of the protection order will be extended for a maximum of thirty days at the request of the victim. The basis for issuing a protection order may be an application or notice, oral or written.

If we pay attention to the statistics, 87% of the violence happened in the family. In most cases, the original reason for the rulings was domestic violence, but other reasons were cited by the parties.

At this point, if we pay attention to the results of the research conducted by the Gender Commission of Uzbekistan and the United Nations Development Program on the harm caused to society by divorce, the following problems have arisen in most of the divorced women:

first of all accommodation problem arises. It is difficult to live with a child at his parents' house. And the rent is expensive. The alimony paid does not even cover half of this money.

secondly, children grow up in need of father's love. Of the 51 women who participated in the survey, 44 have a total of 70 children, and 99 percent of them do not see their father at all. Also men not only do not receive information from the child, but also try not to pay alimony under various excuses.

It's true, divorced women are viewed in the wrong way in society: intimate relationships are offered, they don't want to rent.

annulled, its difficulties fall mainly on the woman. Because in most cases, he has to leave the house where he lives with his children and think about the support of himself and the children. Sometimes, due to the difficulties after the divorce, the woman also abandons her children. News about women selling their children on social networks attracts our attention, but we are all interested in the cause, not the effect.

Divorces are recorded in all countries of the world. The future fate of divorced women and children is not guaranteed in our national legislation. After the marriage is annulled and the decision is recorded by the courts, the fate of the children and the distribution of property are considered. However, the amount of alimony payments determined for minor children is not a sufficient financial guarantee [8].

It should be noted that in foreign countries, the financial situation of the children and the mother is guaranteed by the courts. In particular, the Supreme Court of **Spain** forces a divorced man to pay compensation for the housework performed by his former housewife wife and alimony for his wife and children. In **Germany**, if there are children in a divorcing family, the court considers their interests first. In Germany, the child receives child support until he turns 25. Also, not only property, but also pension funds are divided in two, which also has its own justice. The interests of mothers who have not created funds for retirement because they are busy with child rearing and housework are taken into account.

Also, in **Italy**, taking into account the economic incapacity of victims of domestic violence, the defense costs of the lawyer chosen by them in civil and administrative courts are covered by the state fund.

In **Sweden**, domestic violence and risk are assessed by the police. According to the result of the evaluation, the protection of the victim is organized. The victim is provided by the police with GPS mobile communication and acoustic alarm.

In **France**, a family judge will issue a Protection Order (a restraining order) if he finds that there has been domestic violence. It also issues an order on child custody, housing, and financial obligations of the father. According to French law, domestic violence is an aggravating circumstance. If the wife is killed as a result of violence, the husband is sentenced to life imprisonment or 30 years in a correctional institution.

US Penal Code provides penalties for domestic violence. Also, measures for the safety of victims will be taken in accordance with the "Protecting Order" Law, which protects family members from violence.

South Korea, the Law on Punishment for Domestic Violence and the Law on Prevention of Domestic Violence and Protection of Victims were adopted in 1997 and entered into force in 1998. The first law sets out punishments for the crimes of assault, violence, bodily injury, endangering human life, insult, intimidation, and detention by the perpetrators. Also, the amount of physical, mental, moral and property damage caused by the culprit to the victim is determined by the court.

Based on the above analyzes and the experience of foreign countries, we put forward the following suggestions:

- introduction of a system of regional evaluation of the effectiveness of measures to identify and eliminate the causes and conditions that lead to harassment and violence against women;
- strengthening penalties for domestic violence;
- training and improving the skills of specialists who will carry out activities in the field of eliminating oppression and violence and combating them in cooperation with civil society institutions of the state body authorized to combat violence;
- to include clauses in the marriage contract concluded between the parties regarding the equal rights of the parties in family relations, non-allowance of any form of violence, responsibility for providing for children, and the obligation to provide housing for the mother and child in the event of divorce;
- it is desirable that the amount of alimony is set in sufficient amount for the child to live and get an education.

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